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EDITORIAL

NEXT TO resources (including technology and skills) for undertaking sustained developmental effort, the biggest problem encountered by developing countries is non-existence of an effective and efficient administrative system It may be possible to import technology or skilled manpower but administrative competence has to be nurtured over decades Therefore, quite logically, it has continuously been engaging attention of scholars Kempe R Hope shares this general concern in a national perspective in his contribution.

Hope, for his analysis, identifies eight main causative factors, springing primarily from colonial legacy of the developing nations. These are: inadequacy of requisite human skills compounded by persistent brain drain and unsatisfactory arrangements for recruitment and manpower planning, excessively centralised bureaucratic

structure accompanied by distrust between political and administrative executives and resultant problems of coordination, delays, etc., which lead to unchallengeable supremacy of politics; absence of full support from political leadership for injecting necessary change in the administrative system to attain developmental goals; diffusion of responsibility and wasteful duplication of effort due to multiplicity of authorities and agencies; the paradox of running public corporations with traditional government control under the rigidities of governmental planning while discharging the characteristic governmental functions, inability of administrative system to simultaneously adapt itself to the demands emerging from varying levels of economic development with the required speed and efficiency; adoption of technology, techniques and organisational forms without properly matching these with the varying needs and realities of economic development, and failure to realise the potentials of community effort for economic development.

Emphasising the need to develop autonomous yet interdependent dynamic administrative system in a sustaining environment, Hope concludes with a grim caution that failure to do so would mean the predominance of bureaucracy at the cost of society. Thus, he underscores the need for and importance of adequate administrative support for any successful developmental effort keeping in view the essentials of community participation and control.

Chittranjan Daftuar examines empirically the 'cultural specificity' in the control system of an utilitarian industrial organisation in this country Though convinced of the need for a detailed systematic study of the dynamics of power and control system in Indian organisations, for obvious advantages, he prefers to restrict his study to just one of the eight aspects, *i.e* , "who sets the standard for organisational behaviour which must be conformed to?" which invariably includes participation, power sharing, and leadership style.

Daftuar's article is based on data collected with a five-point scale through individual personal interview His sample comprised 275 (out of the 1100) line job supervisors of nine varying ranks, from general manager down to worker and the union, in a large Indian public sector organisation producing steel. Using statistical methods and Tannenbaum's control graph, he analyses their responses (by grouping and averaging) to assess the general amount of control as also the general pattern of power/control system Daftuar also attempts a comparison of these aspects between Indian and Western system

B P Singh has chosen a much wider theme in his article to emphasise the need for strengthening of positive mutuality (even to the extent of synonymity) between culture and administration for

smoothening the process of social change with a particular reference to India His concept of culture is dynamic, duly reinforced with the Nehruvian scientific temper, and favours assigning directional role to spirituality He illustrates, only in passing, his arguments with historical references while traversing evolution of Indian culture and also the social system before coming to the central theme of his article, *i e*, the need to mix culture (which is manifest in multi-faceted value system of our plural society) with administration to forge an administrative system for the purposes of bringing about the desired social change The cultural context of administration is an area which merits wider exploration

According due thought to the cultural context, though not necessarily sharing the same approach, Mustafa Chowdhury concentrates on the attitudinal aspects of the role of bureaucracy in the chequered history of administrative reforms in our neighbouring Pakistan

Dwelling in some detail on the recommendations made by two foreign experts, Egger and Gladieux, in their reports on administrative improvements, Chowdhury shows how Pakistani bureaucracy resisted certain reform measures which posed a threat to their hold over administrative structure while others which did not adversely affect their status of power were carried out This, according to the author's empirical findings, was due to vast difference in the American political and administrative values of Egger and Gladieux and the values — exclusiveness, elitism, status consciousness and generalist service orientation—held by the bureaucratic elite in Pakistan The other reasons suggested by Chowdhury are nature of reform, timing, and the nature of political leadership

Chowdhury's findings show that bureaucracy does not necessarily resist change However, those administrative reforms which pose direct threat to their status and power cannot be carried out in a polity dominated by a strong, self-conscious bureaucracy His findings seem interesting in the context of developing countries with developed administrative structure and also because of innumerable commonalities existing in the social and administrative structure of India and Pakistan But before making any definitive judgement, the strength and resilience of a particular country has to be considered

Because of its highly sensitive and normally dormant nature (due, of course, to multiple factors), persistent and effective participation by people does not exist in a sustained manner even in democratic systems P M Bora, therefore, chose to gauge this elusive phenomenon in an area of very vital concern to common man (more so in the drought prone area of his study), that is distribution of

food through fair price/ration shops in villages and municipal areas of Marathwada region through the mechanism of constituting vigilance committees at district, taluka, and village level. These committees were set up on experimental basis to ascertain the extent of their influence on administrative decision-making, and realisation of the objective of 'responsible citizen involvement in administration'.

Besides tracing the evolution and describing composition and functions of vigilance committees, the author examines their functioning and also evaluates their utility. Bora, in his survey, selected a sample of 40 villages (4 in ten talukas) for collecting information from individuals about the socio-economic condition of members of vigilance committees through a proforma devised for this purpose. In all, 98 members responded In their informal interviews, they were also asked questions relating to their duties and responsibilities as members of vigilance committees. As per Bora's discovery, 80 out of 98 gave positive response about successful functioning of these committees. It is, therefore, no wonder that certain sections of public opinion demand revival of these committees in the state. It is, however, essential that all the diverse elements of the socio-political and economic milieu are also looked into for a more realistic appraisal of the validity and effectiveness of such institutions.

Haridwar Rai and Awadhesh Prasad dilate on the major structural changes that have taken place twice in district administration in Bihar since independence to meet the demands of changing needs They analyse these changes as also stress the circumstances justifying the reversal to reconcile with the idea of Campbell granting pre-eminence to district officer.

It is evidently true that bifurcation of 1973 displayed the potentialities to accelerate the pace of rural development programmes by putting these programmes under deputy development commissioner-cum-chief executive officer(DDC) of zila parishad but it brought in its wake problems of coordination, etc Therefore, to meet the demands of rigorous implementation of the 20-point programme, a change in the system had to be worked out. Again, with the creation of panchayati raj institutions in all the districts of Bihar in 1980, another major structural change took place with the creation of the position of DDC in each district which tended to erode the powers of the district officer and established an unintegrated system. But this time it is much modified and, in fact, reinforces the traditional role of the district officer, according to the authors. Whether the district officer will regain fully his traditional status in future or not is anybody's guess till at least the change stabilises. For any evaluation of the system, it is necessary that there must be an element of continuity and the political will should express itself clearly.

Tulsi Narayan Shrestha also writes on district administration giving information about the functioning of the system as it operates in Nepal.

Though district administrative system existed in Nepal in other forms, it was only in 1975 that district administration plan (DAP) as such was introduced Shrestha discusses the different phases through which the system has emerged and then attempts an assessment of the performance of the DAP He also brings to focus the grey areas of the system. The historical background and diversities have a role to play in judging the growth of the system

Despite existence of women police in India since 1938, their role in law enforcement has not been a subject of intensive research Shamim Aleem's article attempts to examine it with reference to Andhra Pradesh State. Women police existed in this region since 1950, but their number rose significantly only in 1975, and in 1982 two women police stations were set up.

Shamim Aleem examines in detail the process of their recruitment, training (along with a critical examination of course-content and methods of training) and then the functioning of the two women police stations which have, however, yet to discharge their full functions She identifies the problem areas and raises policy issues for decision-makers' compliance so that the women police may be enabled to discharge fuller role in the enforcement of law and order Her findings deserve consideration. It is a matter of satisfaction that interest is growing in the problems and development of women police, from operational angle as well as for research purposes.

P K Kuruvilla takes an overview of the question of representation of women in Canadian Public Service, the country where women got their voting rights in 1918. He starts his analysis from 1967 (when the confederation of Canada came into being) and examines the pattern of representation of women in public service as a whole In the process, he identifies all the discriminatory developments as also the measures taken to create a climate of equal opportunity, *i e.*, enactment of the Canadian Bill of Rights and Civil Service Act, 1961; setting up of the Commission on Government Organizations (1962), which made a detailed study of the subject; ratification by Canada of 1958 Discrimination Convention of the International Labour Organization (in 1964), and setting up of Royal Commission on Status of Women (in 1967), which gave 167 recommendations and a number of which covered various aspects of treatment of women in public service After this commission, the problems of women representation were taken care of through Cabinet directives and legislation to promote equal opportunities

Kuruvilla then goes on to discuss various problems due to legal barriers, dual role of women and inequitable sharing of household responsibilities by males, controversies arising out of representation on the basis of sex, attitudinal difficulties, impediments due to merit system, etc As the author agrees, there are no simple answers to the problem, and discrimination against women cannot be eliminated or at least effectively checked unless society at large and the government together make genuine efforts.

The importance of integrating findings of research in the field of public administration backed up by meaningful theorisation or conceptualisation, and public policy-making cannot be ignored as the two are, in fact, interdependent Discussing this theme in his contribution, P.S Bhatnagar ventures to reflect on problems concerned with the conduct of research in public administration by academics and highlights the need of training and sound methodology for undertaking scientific investigation into the problem areas of administration if public administration is to further develop its identity and gain wider acceptance as an independent academic discipline.

—*Editor*

Some Problems of Administering Development in Developing Nations

Kempe R. Hope

THE ADMINISTRATION of development in developing countries is effected primarily through politicians and the civil service operating, more or less, within a ministerial system or government agency and characterised by its purposes, its loyalties, and its attitudes The purposes of development administration are to stimulate and facilitate defined programmes of social and economic progress or, put another way, development administration is the administration of policies, programmes, and projects to serve development purposes. This term is used to denote the complex of agencies, management systems, and processes a government establishes to achieve its development goals.

PROBLEMS OF ADMINISTERING DEVELOPMENT IN DEVELOPING NATIONS

The administration of development in the less developed countries LDCs has always had some serious drawbacks, both during and after colonial rule. Despite serious attempts, after independence, to restructure the system of development administration and to increase its effectiveness and impact, there still exists a number of factors, primarily a legacy of the colonial past, which impede the process The fundamental factors responsible for the situation are discussed below.

Lack of Suitable Manpower

There is a general lack of high-level manpower necessary for policy implementation Here, we are referring, particularly, to the scarcity of trained administrators No lasting and significant process of growth and development can be achieved in the economy of any developing nation unless there are sufficient human skills and resources present there that can be used to implement and thereby assist in prolonging the development cycle [1]

[1]See Dennis A Rondinelli, "Why Development Projects Fail · Problems of Project Management in Developing Countries", *Project Management Quarterly*, 7, March 1976, pp 10-11.

Lack of trained administrators in the LDCs is the direct result of the following three factors: (1) chronic brain drain, (2) poor government recruitment policies, and (3) lack of proper manpower planning and assessment. The first two factors were brought about, ultimately, from the third. Lack of proper manpower planning and assessment produced haphazard recruitment policies, underemployment and unemployment, and, inevitably, frustration on the part of the few skilled administrators which forced them to emigrate.

Development planning in the LDCs has been myopic basically in its non-occupation with the human factor and its preoccupation with economic factors One gets the impression that the planners regarded development plans as self-implementing, while, in fact, development entails more than economic factors and measures. This requires a far broader strategy and more comprehensive administrative initiatives than now prevail. Development in this context is relative and involves, of course, value judgments and tasks beyond those reflected in economic indicators.

The priceless asset of any country is its human resource. As such, therefore, great emphasis must be placed on a society's perception of human life—to man's intellectual and spiritual potential.[2] Without making any significant attempt on the part of the governments of the LDCs to plan manpower within the framework of development plans, the development plan implementation will be anything but successful.

Centralised Bureaucratic Structure

Currently, in the LDCs, there exists a highly bureaucratic civil service and excessive centralisation of authority and control. This excessive centralisation of authority and control is reflected in government ministers assuming overall and total control of their respective ministries and departments, in terms of decision-making, and paying inadequate attention to or giving little opportunity to middle or lower-level civil servants to participate not only in the decision-making process, but in the development process as well. This situation continues to be perpetrated because the civil service in most LDCs has become an institution in which personnel survival, in terms of longevity of service, depends on political affiliation—a situation which does not conform to the regulations governing the non-political nature of the civil service.

Moreover, there exists a great deal of friction, tension, and mutual suspicion between government ministers and career officials. Both, the ministers and the career officials, have adopted an attitude toward implementation of policy that has alienated the public and has hampered

[2]Donald C Stone and Alice B Stone, "Creation of Administrative Capability . The Missing Ingredient in Development Strategy" in John Barratt, *et al* (eds), *Strategy for Development*, London, Macmillan Press, 1976, p. 196

effective functioning of the government Basically, the career civil servants are in a position of great insecurity due to the enormous powers of the government ministers. Most, if not all, of the career civil servants are usually better educated than the ministers (who are appointed primarily on the basis of their politics) and, as such, the career civil servants find it difficult to abide by the decisions of the ministers, whom they regard as inadequately educated and not competent enough to take decisions pertaining to administration of development The ministers, on the other hand, conscious of their newly acquired powers and determined to dispel any suggestion of inferiority, are anxious to assert their authority and to make it clear beyond doubt as to who are the masters [3] Inevitably then, for reasons of survival within the civil service, career civil servants have to adopt a sycophantic and fanatical attitude toward their ministers—not offering technical and administrative advice in a firm and objective manner but the one that the minister wants

The ultimate result of all of these manifestations is a lack of coordination of policies among departments and a lack of dissemination of information for effective decision-making Invariably then, the few individuals at the apex of the decision-making pyramid, namely, the ministers, are hard pressed to cope with the range of decisions they have to make The effect is necessarily either procrastination and long delays, and, or, inadequate and inept policies

Thus, we see that the centralised nature of civil service in the LDCs contributes to destruction of channels of communication in the organisation and tends to immobilise development administration After attaining independence, bureaucratic colonial-oriented administration in the LDCs was transformed into a bureaucratic organisation that emphasised sovereignty of politics rather than supremacy of administration [4] Politics became the most important activity and the politician (minister) came to occupy a position of unquestionable supremacy in matters of decision-making [5]

Lack of Support to Improve Administrative System

Of major significance among the factors affecting the administration of development in the LDCs is the lack of political leadership's total support for improvement of the nation's administrative system Administrative change inevitably involves a challenge to accepted modes of action and

[3] G E Mills, "Education and Training for the Public Services in the West Indies", *Journal of Administration Overseas*, 5, July 1966, pp 156-157.

[4] See, for example, Kempe R Hope, "Development Administration in Post-Independence Guyana", *International Review of Administrative Sciences*, 43, No 1, 1977, p 69

[5] For greater elaboration on this issue, see S C Dube, "Bureaucracy and Nation-Building in Transitional Societies", *International Social Science Journal*, 16, No 2, 1964, p. 233

traditional values and prerogatives.[6] Projects for administrative reform, if they are other than routine and minor, must be backed fully by the chief executive of the nation and his or her cabinet. While mentioning about the vital importance of leadership here, we are alluding to the critical place of authority in national development. If political leaders are to inspire a population and direct the bureaucracy to higher levels of performance and development, their words and actions must carry an aura of legitimacy. Historically, political leaders in the LDCs have been primarily concerned with maintaining their own existence as politicians which has resulted in much confusion between the administrative and political functions in the decision-making process and also in the creation of political elites. These elites, among themselves alone, cannot execute the services and achieve developmental goals.

Functional reform of development administration, as needed in the LDCs, can only be brought about through a derived effort and critical support of the political leadership. Constitutional changes and the pressures for development have brought about the need for adopting new attitudes toward administrative reform, on the part of the government. A continued lack of support by the government will inevitably perpetrate and legitimise an inefficient and irresponsive bureaucracy The LDCs cannot afford to have such a bureaucracy if the primary emphasis has to be laid on the promotion of growth, development, equity, and provision of basic needs for a once colonised people.

Multiplicity of Authorities and Agencies

To add to the difficulty, government functions in the LDCs are generally dispersed among an excessive number of ministers, authorities, and agencies Since independence, new agencies, public corporations, and ministers have been superimposed to fulfil development objectives without a prior review of the entire structure. The result, inevitably, is a multiplicity of organs, duplication of functions, and diffusion of responsibility. For example, in Guyana, there is currently in existence a Timber Export Board, a Timbers Corporation, and a Forest Industries Corporation, all of which have responsibility for wood products. Surely, one public corporation could have been created and charged with the responsibility for all forest and timber products.

Mixing Public Enterprise with Governmental Work

Along with the proliferation of public and quasi-public enterprises, the governments of the LDCs have been attempting to administer these enterprises on the basis of traditional governmental control or, conversely,

[6]John C Honey, *Toward Strategies for Public Administration Development in Latin America*, Syracuse, Syracuse University Press, 1968, p 69.

providing such a degree of autonomy to a few enterprises that these no longer remain accountable to public interest. The rationale for establishment of public corporations in the LDCs stems primarily from the familiar reason that development planning has become a vigorous activity and through it these governments attempt to provide basic needs to their people without exploiting them. The establishment of public and quasi-public enterprises was seen, therefore, as a necessary ingredient in the development process. Public and quasi-public enterprises emerged in the LDCs, therefore, because recognition was given to the fact that the private sector lacked the urge and the ability to ensure growth, efficiency and equity. The maximisation of efficiency and output (the achievement of Pareto optimum) by the private sector depends upon a host of restrictive conditions: perfect competition must prevail in all product and factor markets, correct information about present and future price and non-price variables must be available Consumers' tastes independent of each other must be given, and producers must attempt to maximise profits Capital must be divisible, there must be no increasing returns of scale, otherwise competition will break down, and external economies must be absent Even supposing these conditions existed, it does not follow that an unregulated economy, in terms of the price system, would be ideal for the LDCs.

In the first place, the role of the private sector, within the framework of the market mechanism, is to foster efficiency, not equity. There is no suggestion that the distribution of income under a Pareto optimum is ideal or even acceptable. The sole implication of the optimum is that more of one commodity can be obtained only by having less of another and one individual can be made better off only by making someone else worse off. This, however, does not enable us to compare the welfare implications of one Pareto optimum with another, or even to compare a point of maximum efficiency with many non-optimum positions Once the distribution of income is admitted to be a variable, it is no longer true that, if one person is 'better off' and none 'worse off' the welfare of the nation is increased, national welfare may, indeed, decline There can be no impartial assessment; it all depends on value judgments

Moreover, the private sector and the price system is concerned with static resource allocation, not growth The most that theory demonstrates is that an efficiently functioning market economy will maximise current output from its given factor endowments. This tells us nothing about the rate at which capital is accumulated, the speed with which the quality of the labour force is improved, or the pace of exploration and discovery of natural resources One cannot automatically assume that static efficiency will be associated with rapid growth. In fact, it has been demonstrated that both 'static' and 'dynamic' efficiency are lower in the Soviet Union than in the United States, yet the Soviet Union was able to achieve a high rate of capital accumulation and build a modern industrial economy

in less than 40 years on a foundation established prior to 1917. No capitalist or free enterprise economy—including Japan and the United States—has ever approached that record.[7]

The foregoing substantively represents the thinking of the economic advisers of the governments of the LDCs *vis-a-vis* the need for public corporations. Undoubtedly, these views make sound economic sense and a significant amount of literature supporting those points of view has emerged in recent years. A.H. Hanson, for instance, has argued that whatever the ultimate perspective may be, the country anxious to develop economically has no alternative but to use public enterprise on a considerable scale, at the very least, in order to get things going. How much is left to private initiative will depend partly on ideology but to a much greater extent on social and economic circumstances.[8] Yet, others have argued for the creation of public enterprise to promote those social objectives which are not readily consistent with profit maximisation in the private sector.[9] But, alas, irrespective of the reasons in favour of creation of public enterprise, there still remains the issue of accountability of these enterprises in the LDCs. There currently exists too much political control of public enterprise in the LDCs Undoubtedly, there is a dilemma created in terms of autonomy *versus* control. For public enterprises, achieving accountability is complicated by the need to permit sufficient freedom for the enterprises to operate

The trend toward governmental planning further complicates the picture. Against the traditional right of an enterprise to manage its own affairs, is posed the right of the government, under planning, to use all its resources in the best way possible. The contrasts in the situation before and after planning can be over emphasised. Many authors on public enterprise would maintain that governments have always had the duty to prevent public enterprises from becoming isolated islands unresponsive to governmental wishes. This has been a prominent issue while discussing the future of public enterprise in developing areas. The right of governments to use public enterprise within the overall planning effort to promote growth is both necessary and accepted. Public enterprise in the LDCs comprises a significant part of the public sector and would figure inevitably in the development plans. What remains, however, are public enterprises that are political in outlook and which lack accountability to the people.

[7]Keith B Griffin and John L. Enos, *Planning Development*, London, Addison-Wesley, 1970, p 23

[8]A H Hanson, *Public Enterprise and Economic Development*, London, Routledge and Kegan Paul, 1965, p 23

[9]See, for example, John B Sheahan, "Public Enterprise in Developing Countries" in William G Sheppard and Associates (eds), *Public Enterprise · Economic Analysis of Theory and Practice*, Lexington, D C Heath, 1976, pp 205-230.

Linkage of Development Administration with Level of Economic Development

Another factor affecting development administration in the LDCs is that of the level of economic development. The degree of economic development and the state of development administration are closely linked. Reasonably good development administration is one of the conditions for economic development; at the same time, the level of economic development influences the level of administration. In the LDCs, the level of economic development is hampered particularly by low growth of agriculture, weak balance of payments performance, and persistent high unemployment.

At low levels of economic development, the demand for efficiency of government agencies is less urgent. The rhythm of life is slower and things move in set patterns. There is little difference between the ways of administration and the ways of life beyond the office[10] On the other hand, however, higher levels of economic development create demands on the efficiency of government agencies while at the same time providing the input to allow the agencies to cope with the increasing complex and technical tasks. Administrative systems tend to grow to cope with the developing needs of a modern society and result in a process of expansion. Speed and flexibility become essential factors in the efficiency of public administration.

A public administration, which lags behind, is a brake on economic development, while a public administration which is too far advanced will jeopardise the process instead of promoting it. Obviously, public administration has to exert leadership and has to be ahead of the community, but it cannot be too far ahead. Otherwise a situation will develop similar to that known to engineers when a centrifugal pump is used to lift water to a higher level than that for which it was constructed. The water column will break and no water will be lifted at all.

Administrative Processes and Economic Development Interrelationship

There are three levels at which the interrelationship between the administrative processes and economic development need to be examined and appraised.[11] These are : (1) technology, (2) techniques or procedures, and (3) forms of organisations.

In technology, the impact of economic development on public administration processes is great. In certain fields, the use of the technologies taken from the advanced countries is inevitable; the LDCs cannot be expected to

[10] L. Dabasi-Schweng, "The Influence of Economic Factors" in M. Kriesberg (ed), *Public Administration in Developing Countries*, Washington, D C , Brookings Institution, 1965, p. 21.

[11] See Irving Swerdlow, *The Public Administration of Economic Development*, New York, Praeger, 1975, p. 77.

develop these technologies, and there is no need for them to do so. Advanced technology is not restricted to fields like public health, laboratories testing materials procured by public agencies, etc. The electronic processing of data is now used by the LDCs to a degree that is truly surprising In addition, advanced technology seems to involve higher quantities of production based on the nature of technology. The more specialised equipment is worthwhile if it contributes to increments of output. Illustrations of these situations abound. A factory that uses an automatic stamping machine will need to produce far more articles than one that uses a hand operated stamping machine. Higher production and productivity is the basic reason for specialised equipment, and that such equipment is generally associated with a large volume of output at a lower unit price is not surprising. It is also true that specific technologies come in lumps; that is, there is a finite number of ways to produce a product, and each will be related to an optimum output. Consequently, what economists call economies of scale are really a manifestation of technology and are a fact of life for the LDCs.[12]

In the case of techniques or procedures, the impact is also great Much is taken over, like supervised credit and extension service in agriculture. But the results are not always as happy as in the case of technology. In the case of the machine, given a proper level of maintenance, which is often guaranteed by the makers, the successful operation of the machine is not so completely dependent on the human agent as is the case with procedures With procedures, the human agent does the job. Because of this, procedures are not as transferable as they would seem at first glance.

At the organisational level, many forms are instituted, but often they do not thrive well. Schools and industrial plants have many similarities in their organisational structure, their need for support, and their relationships with the people and the organisations that use their products They also have many important differences. The educational system cannot be operated in the same manner as the banking system, yet in their operations they may have to appraise many problems and examine many influential forces in substantially the same manner. Thus, it is possible to examine the process of organisation using many of the same variables that have been identified as useful in the analysis of other kinds of institutions

Failure to Realise Potentiality of Community Effort

The administration of development in the LDCs has also been hampered by the failure of the public to realise what can be achieved by community effort In many cases, considerable potential awaits development but no

[12]Irving Swerdlow, *op cit.*

action is taken by the people because: (1) they do not understand the opportunities which exist, (2) they lack confidence to venture into new activities, and (3) their traditional leaders frequently fail to see that they have any function to guide and inspire their people in these matters.

Particularly in the immediate post-independence era, great possibilities existed to channel a powerful stream of human energy and goodwill into constructive projects. Through a process of education, using community development techniques, people can gain the knowledge and confidence required to bring about various kinds of social and economic development. Some areas in which public education is needed include cooperative training and the functions of local government. The traditional leaders can come to appreciate their new role in local and national progress in a similar way.

Other Reasons

In every society, some traditional social attitudes militate against development, for example, excessive individualism, while others provide a positive or stabilising force, for example, attachment to land. Community development workers can lead the people to identify their problems, to view them constructively in the light of selected traditional values, and to work together for a more satisfactory life.

One final point to be made, with respect to administrative obstacles to development in the LDCs, is that there is insufficient cooperation at the regional level between authorities in the central government and authorities in the local governments Unproductive relationships exist and have resulted in a hampering of the implementation of development projects. This obstacle occurs primarily because there may be differences in perspective with respect to national policies For historical reasons, present district and other boundaries are in many cases related to ethnic groupings or other matters and not to population distribution and economic activity.

CONCLUSIONS

The administration of development in the LDCs is in a state of ineptness It is centralised and politics is now the order of the day It is, therefore, evident that the creation of a suitable machinery for the administration of development in the LDCs is of vital necessity and should be made a priority endeavour The success of such an endeavour depends on a number of factors [13]

However, effective administration needs autonomous, yet interdependent, centres of activity that can provide resources for and exact performances from each other. A healthy economic system, a strong political organisation and leadership, proper manpower planning and training, and effective decentralisation and communication are necessary for improving administration. Otherwise, bureaucracy takes over at the expense of society.



Control System in an Utilitarian Organisation

Chittranjan N. Daftuar

PROCESS OF control is an inevitable correlate of any organisation. Hobbes suggested that man is essentially selfish and in order to 'control' his selfishness society is necessary. Every social unit has a structure and it controls its members, but organisations have a distinct structure, and their problem of control is especially acute one.

Means of control distributed among various organisational positions can be exhaustively classified into three analytical categories: physical, material, and symbolic (Etzioni, 1965) The application of physical means for control purposes (as a gun) is referred to as *coercive power*. Material rewards consist of goods and services. The use of material means for control purposes is referred to as *utilitarian power*. Symbols (as prestige and esteem) whose use does not constitute a physical threat or grant of rewards are pure symbols The use of these for control purposes is referred to as *identitive power*.

The use of various kinds of means for control purposes—power, in short—has different consequences in terms of the nature of discipline elicited. As examples of organisations using various types of power system, it may be said that prison may be an example of *coercive organisation* using coercive power. Military organisations in democratic countries may serve as examples of *identitive organisations* using that type (identitive) of power. In such organisations, there tend to be few officials and few informal leaders: formal leaders effectively control most of organisational participants. Industrial organisations are considered *utilitarian organisations.* There, control is more evenly divided among organisational officials, formal leaders, and informal leaders of the employees The main concern of these organisations is with instrumental control, *i.e*, with control of matters, such as production and efficiency and not with control of relations and norms established by the workers, so long as these do not adversely affect the instrumental activities The particular leadership pattern (control style) that evolves, depends largely on the relative degree of alienation or commitment of the employees.

AN ANALYSIS OF THE CONCEPT

The concept of 'control' has been variously defined by social scientists.

If one attempts to combine these varying approaches, there emerge at least two general approaches to define organisational control : one emphasising the nature and characteristics of control, and the other emphasising on methodology for its measurement. According to the former, line of approach control may be considered as a "process in which a person (or a group of persons or organisation of persons) determines or intentionally affects what other person or group or organisation will do" (Tannenbaum, 1965). The other school, giving emphasis on methodology aspect, concerns the term 'control' as something which implies measurement of accomplishment and progress to uncover deviations from the original plan (Koontz and O'Donnell, 1964; Terry, 1956) As a compromising attempt, Drucker (1964) tried to give importance to both the approaches and differentiated (or perhaps integrated) the two approaches by giving two similar terms for the two lines of thinking. He suggests that the former be called 'control' and the latter 'controls' to explain their respective line of approaches.

I believe that while Drucker may be right in his approach he still leaves enough room for some doubts and controversy. The real need is not to differentiate or identify the two approaches but to intermingle them in such a way that our measures should be able to define the concept That is, conversely speaking, the concept should be measurable. In scientific endeavour a concept will carry little weight if it cannot be scientifically measured. As an attempt to fulfil this criteria, I propose to follow a different line. First I propose that the 'control' should in fact be viewed as a 'system' rather than a static isolated phenomenon. Any management scientist should agree to a position which views control as an ever-present continuing process pervading the entire organisational set-up Once, this position is agreed upon we can define control process in following terms :

> Control system, in an organisation, develops out of management's attempt to determine or influence or intentionally affects what organisation members will do in order to ensure (by means of gathered information) that planned activities are producing the desired results, as an organisation grows larger and more complex.

Such a control process is obtained through the process of measurement of accomplishment and progress to uncover deviation from the original plan. This definition covers all the four essential elements of control system specified by Eilon (1961) : (*a*) objective setting, (*b*) planning, (*c*) execution, and (*d*) information gathering

If we follow the present definition, it is obvious, that control process/ system involves dominance in one form or the other and is meant to maintain conformity and has qualities of restraining, checking and

motivating influences over the planned activities. This definition requires constant measurement process (gathering information) to operate.

EXAMINING PROCESS OF CONTROL

In order to study the control process rather systematically, in a scientific way, we need to know certain things. Some questions must be systematically and thoroughly probed into. They are :

1. Who sets the standard for organisational behaviour which must be conformed to? It involves the question of participation, power sharing and leadership style.
2. There must be parameter against which the conforming (or deviant) behaviour must be measured. In organisational control system, it is important to know which behaviour is and is not measured by the system
3. Who are or what acts as the discriminator (from standard)?
4. What kind of action is taken to turn the activity on or off? For example, are reinforcements (rewards and/or punishments) used to motivate behaviour?
5. Who receives the communication (message) concerning deviations (from the standard)—the person whose behaviour is being measured or some one else (*e g.*, his boss)?
6. What are the activities? Can these be measured? Is it essential? 'How well it is performed'? And, also, how well it is measured against the established norms?
7. What is the basic source of motivation for the activities?
8. What are the bases of power (realised) of an individual or of a rank.

It is assumed that the best way to analyse how people will react to a particular control system is to focus on these questions In the next section, I am giving some data dealing with the first question (of the eight questions) listed above.

CONTROL SYSTEM IN AN INDUSTRIAL UNIT

The data given below were gathered to study the control system in an industrial organisation The present study was designed to measure only the first of the eight questions (referred to above) related to control system

Methodology

The data were collected in a large public sector organisation producing

steel in India. It had about 1100 supervisors on line jobs at the time of data collection.

Sample

A total of 275 supervisors, on the line-jobs, were interviewed They belonged to three departments (shops) of the organisation—most effective (n=98), least effective (n=58) and middle effective (n=119). All the supervisors working in these three shops were interviewed. So, the sample can be considered fairly representative one on all counts—about 26 per cent of the total population of the supervisors representing all sections of the working units (effective, non-effective and middle effective). Five categories of supervisors—from the first line (bottom) to the fifth level above were interviewed. Their designations were—chargemen (CM), assistant foremen (AF), foremen (F), assistant general foremen (AGF), and general foremen (GF)—from bottom to top

Procedure

Each of the respondents were interviewed individually. It was a focussed interview in the sense that they were asked the following (besides many other) questions :

> Can you say, in general, how much say or influence do you feel each of the following groups has on what goes on in your department/shop ? Please encircle those most appropriate to you

Below this question-item, 9 ranks of supervisors and the union were written and against each rank and the union a five-point scale was given The respondents had to rate the 'influence' of these 9 ranks and the union on this five-point-scale The ranks to be thus rated were. general manager (GM), general superintendent (GS), shop superintendent (SS), GF, AGF, F, AF, CM, workers (W), and union (U).

Rank	*A very great deal of influence*	*Great deal of influence*	*Quite a bit*	*Some influence*	*Little or no influence*
GM	5	4	3	2	1
GS	5	4	3	2	1
..	—	—	—	—	—
..	—	—	—	—	—
W	5	4	3	2	1
U	5	4	3	2	1

It was expected that this item would successfully measure the general amount of control exercised by various officers and workers as well as union on the activities of the departments/shops.

Analyses

Responses of all the supervisors were grouped together and averaged to present a clear picture of control system in the organisation in two ways : (1) the general amount of control, and (2) general pattern of power/control system within the organisation. The results have been analysed statistically as well as through control graph technique suggested by Tannenbaum (1965).

Results

These techniques yielded some interesting results which have been presented in Table 1 and Figure 1.

TABLE 1 MEANS OF THE AMOUNT OF CONTROL EXERCISED BY VARIOUS CADRES, AS PERCEIVED BY THE FIVE CATEGORIES OF SUPERVISORS, WITH MEAN AND SD VALUE FOR THE ENTIRE SET OF DATA

Cadres	*GM*	*GS*	*S*	*GF*	*AGF*	*F*	*AF*	*CM*	*W*	*U*	*Mean*	*SD*
Amount of Control	2.7	3.3	4.1	3.8	3.4	3.7	3.3	3.2	2.7	2.2	32.95	6.00

Figure 1 is bell-shaped, which suggests that the highest officer (GM) of the plant has very low amount of control or influence (power) in what goes on in individual department (or shop). In fact, the amount of control exercised by him is equal to that of the workers. The next officer (GS) has more control than him but almost equal to the lowest A-grade officer—the AF The highest amount of control is perceived to be concentrated in the hands of the shop superintendent (s) Next in the line is GF This is significant that after GF, it is not the next officer, AGF, who commands the next highest amount of control This credit is given to the F Below the F, right up to the level of the union, the curve takes a definite oligarchic character That means every successively lower-grade employee was seen as possessing lesser amount of control than his immediate superior. That means, up to a certain level (say for example, from GF to F) the power is concentrated in few hands. It is interesting to note that the power curve takes a definite pattern only from the third highest ranked officer. Also, in this organisation, union is seen as exercising little control in day to day activities Although, it was a common knowledge in the organisation that the union exercised considerable influence in policy matters.

INDIAN SYSTEM AND THE WESTERN SYSTEM

The results presented in the preceding section clearly indicate that control pattern in Indian industrial organisations is not similarly perceived

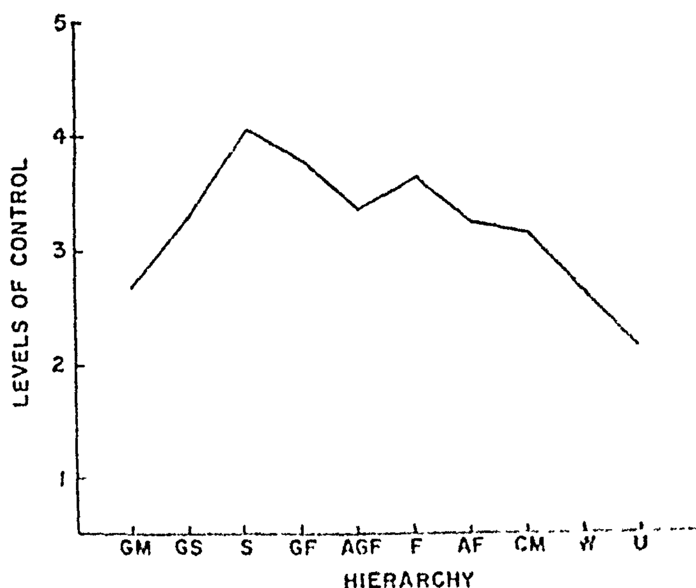


FIG. 1 Levels of control exercised by various categories of employees and by union as perceived by five levels of supervisions

as in western countries. In western countries, different types of control graphs are obtained. For example, in most of Tannenbaum's studies the control graphs are generally of complete oligarchic type, *i.e.*, the highest amount of control is exercised by the highest cadres. Here I find that the highest amount of control is exercised not by the highest officers but by those who are directly incharge of the department Figure 1 also indicates that, in general, the amount of control/power in the plant is above average That means most of the cadres enjoy good amount of control.

That the control pattern in Indian organisations may be different from western countries has been hypothesised by some other Indian and foreign authors as well. For example, McClelland (1975) was struck by the "crowded occupancy of space" (p. 128) in India. The western value of privacy that is weak in crowding, which leads to a feeling of loss of personal control and allied negative effects in the west, does not have an equally strong impact on Indians Combined with acute poverty (Sinha, 1978; 1979), it seems to create a state of physical as well as psychological interdependence. "The acute and pervasive poverty creates the perception of scarcity of resources Even the affluent ones suffer from imagined scarcity and manifest poverty syndrome; if the resources are limited and large number of people are vying for them, one must struggle to accumulate and, if possible, monopolise them in order to ensure his survival and security against the fear of being engulfed by the surging flood of poverty"

(Sinha, 1980) Naturally, he must have enough power to control resources or those who may have resources He must have more and more control Similarly, caste structure in Indian society has created 'specific cognitive style'. Indians, it is argued, as a part of the economically deprived people, are linked to be not only field dependent (Gruenfeld, 1975), by whatever they differentiate, but also try to arrange them hierarchically in superior or inferior order (Kakar, 1978) Sinha adds, "the feeling of scarcity and the process of social comparison give rise to a strong need for power which, in combination with the across group linkage, dependency, and hierarchical perspective create a power structure which seems to be culture specific" (Sinha, 1980, p 4)

It is needless to admit that one may have some reservations about the general paradigm of the linkage between need for power and 'realised power', hypothesised by Sinha (1980), yet, it is difficult to refute his basic conclusion that "power structure . . seems to be culture specific"

One of the main aims of this article is to draw attention of readers and researchers associated with management (administrative) sciences towards this fact of *cultural specificity* in the process of control system in Indian set-up Since Indian industries are overwhelmingly populated by that section of the society which is below the poverty line but highly organised (labour-class), the need for detailed study in the dynamics of power and control system in these organisations is more pressing. Though only one of the eight aspects of control process have been dealt with in this article, it is hoped that others concerned will try to find out the realities regarding other aspects of power/control process There is also a need to study the 'sensor' (who exercises power/control) from other angles and methods as well.

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Culture and Administration: A Study of Interaction as a Means of Social Change In India

B.P. Singh

CULTURE IS power. It is a pursuit of total perfection to know all that concerns us most. As expressed through language and art, philosophy and religion, education and science, films and newspapers, radio and television, social habits and customs, political institutions and economic organisations, culture heightens the skills of an individual and a society in its totality in all walks of life because it is by culture that a man or a society gets an insight into the whole Culture means not only art, music, dance and drama, but a whole way of life. In part, culture means 'sanskriti' or a process of refinement. It is in this broader sense that culture has to be viewed in this article

Administration keeps the fabric of society intact. It is the tool of the state to achieve its goal It is an instrument of ordering human relations to help individuals in developing individuality and a consistent, coherent personality The art of administration comprises direction, coordination and control of persons constituting a society to achieve some collective purpose or objective Administrative machinery is entrusted with the responsibility of keeping order in a society without which there will be anarchy and human life will be solitary, poor, nasty, brutish and short. Administration, thus, plays a vital role in the preservation of cultural values and promotion of new value patterns consonant with the goals that the society sets for itself

Social change is a wider phenomenon and is brought about by a number of factors. It is true that all things change. It is also true that all things do not change drastically But it is a lesson of history that when a society reflects upon its instruments with foresight, its change consciousness gets sharpened Both culture and administration are instruments of social change and their proper articulation can unleash unprecedented energy to bring in desired changes more rapidly. If we ask how some of the greatest social changes of our age—such as liberation of our country from colonical rule, and the civil rights movement in the United States—were brought about, it is difficult to attribute either of these to the will or education of

the colonialists and the whites. India became free because it could no longer be retained as a colony of the imperialist power. The Negro was given the vote in America because he could not be kept down. The leadership, which is very crucial for social change, has to come from individuals and groups and may include writers, artists, reformers, political leaders and social workers who can think independently and objectively with the capacity to look beyond.

INDIAN CULTURE

What is our culture? Over the ages, there has gradually developed a synthetic Indian culture with its own unbroken history. The story of Indian culture is a story of unity and synthesis, of reconciliation and development, of harmony and assimilation, of fusion of old traditions with new values.

Many have viewed Indian culture in compartments of Hindu-culture, Islamic-culture, Christian-culture, etc. There could perhaps be no narrower view of Indian culture than this For one thing, the roots of our culture go beyond that of Aryans to the Negritos, who came to India from Africa, the aboriginals who belonged to the proto-austroloids race, the Mongoloids who came from Tibet and China, and the Dravidians inhabiting southern India. Originating in the Sapta Sindhu region—the land watered by the Indus, the Saraswati and the five rivers of the Punjab—according to the majority view, the Aryans moved eastwards. Their conquests of the various peoples—some with advanced civilisations, as evidenced by the Mohen-jo-daro and Harappa excavations—culminated finally in a fusion of cultures. But the view that the Aryans alone were conquerors of this land is not correct Later came the Greeks followed by the Shakas and the Kushanas. Before the Gupta kings as well as during their time, the Huns came followed by the Turks. In Assam, the Ahoms of the Shan race of upper Burma came and settled down for good. In fact, all the communities, which came to India before Muslims, were assimilated in the existing society and lost their identity.

The Muslims, who maintained separate identity, were also influenced by the prevailing cultural mores affecting their social habits, customs, etc. Advent of the Europeans also brought about far-reaching changes in our cultural heritage. The restless European spirit willy-nilly brought everything under its scrutiny. On the one hand, the material conditions underwent a sea-change with the induction of western capitalism and technology. On the other, Christianity, with its international character, emerged as another religion before the Indians Introduction of English in the existing educational system, in this context, was momentous Although it was aimed to provide the Britishers with a large English-speaking ministerial class of Indians to assist in the management of the

colony, but the consequences were far more significant as books in English language exposed the Indian intelligentsia to new ideas like scientific developments, nationalism, and democracy.

Thus, the Indian people are neither purely from Aryans or Dravidian stock but a community of children of all great people who came and made India their home. Today whatever is Indian—whether it be an idea, a word, a form of art, a political institution or a social custom—is a blend of all these and many other strains and elements Indian culture comprehends little bits of all and has been a product of chemical formation. An example of assimilation could be that of ants—who carry particles of foodstuff from different parts and put them at one place but still each particle is distinct and identifiable. The process of assimilation of Indian culture is different and it is comparable to bee activity rather than ant activity. Bees move from one flower to the other and collect essence and then assimilate it which ultimately become honey The essential feature of honey is that flowers are not identifiable and there is no question of essence of one flower being dominant over the other Similarly, in certain quarters, Indian culture may be given the label of Aryan but the role of the Aryans is no more important than that of bees in preparation of honey Rabindranath Tagore has summed it up beautifully when he said that all the people who came to India mingled with one another to become one living organism· 'Ek deho holo lin'.

EVOLUTION OF INDIAN ADMINISTRATION

A look at the administrative history of India reveals that except in certain periods, there was no unity of administration This does not, however, mean that there was no striving towards unity. From the earliest times, we find kingdoms and principalities seeking to impose one common rule over the whole country The legendary epics of Ramayana and Mahabharata tell a story of unification One of the first historical figures was Chandragupta who sought to bring the whole country under one rule. Asoka continued the tradition and in fact brought more of India under a single authority than hitherto. During the reign of the Pathans and the Moghuls, we find the same story repeated time after time.

India's geography has been largely responsible for its cultural unity and fusion Physical features so sharply mark off India from her neighbouring countries that attempts either to divide the country or to expand it beyond its limits have invariably failed in its long history For example, attempts of the Aryans to keep Afghanistan within India met with failure. The Greek efforts to incorporate Punjab into Afghanistan proved equally futile as also those of the Mauryas to retain Kandhar. The ambition of Mahmud Gazni to rule India from Kabul came to grief The Moghul empire conveys the same story. Similarly, Sind, though often annexed,

could not become a part of Persia for good. The whole course of recorded history tells us of this unbreakable geographical unity.

India's political vicissitudes have been largely conditioned by inadequacy of her scientific equipment *vis-a-vis* her geography. While her geography demanded unification of the country into one state, the prevalent state of control over the forces of nature rendered this difficult to achieve and almost impossible to maintain. The vastness of the country and absence of modern methods of communication worked against political unification. There has, therefore, been till recently, unity of culture without unity of administration. This was a strange paradox that in spite of a strong consciousness of cultural unity, the people lacked in the instinct of unified national political action.

The Indian society was highly organised throughout its history. The unit of social life has been the village and this continues to be so even today. The communities described in the Vedas and the Upanishads were popular and democratic. The will of the people found expression in elected assemblies and democratically governed institutions. It conceded the right of free expression and open discussion to all its members and decided not political but social and religious questions as well. But the entire gamut of economic activity from production to consumption was restricted to the members of the village and it was this concept of self-sufficient village that led Marx to write about Asiatic mode of production Such conditions precluded growth of a social consciousness that transcends the limits of the family or the tribe, *kul* or *jati*. The dependence of the peasant upon the forces of nature generated an attitude of facing the buffets of Providence with fortitude and passivity. The growth of trade and commerce brought expansion in the unit of economic life and consequential growth in economic administration. These also led to circulation of ideas and a readiness for accepting novelty and change but it was unfortunately confined to a small group of people and did not permeate to the society at large.

The moot point is as to what kind of future we want for our people This question, to my mind, is settled as the nation has adopted a definite and determined path for egalitarian social order and progress as evolved both through the processes of political events leading to the independence of the country on August 15, 1947 and adoption of the Constitution of India on January 26, 1950 The far-reaching changes, both constitutional and social, taking place since then have made the position absolutely clear. We want an egalitarian social order to base our society on equality and to accelerate the process of our economic growth so that a meaningful opportunity for development is available to us. This could be viewed in three perspectives. First, there is a past that we have inherited, both in respect of social forms and structures and the general heritage of arts, sciences, technology and education. The second is our recent past and the emerging pattern of the future where we have made enormous progress

both in socio-economic and political fields. And the third is our administration which has provided necessary infrastructure and is the implementation machinery for bringing about economic growth with social justice.

INDIAN SOCIAL SYSTEM

Thinking of the long past, we have to remember that we are dealing with a culture which has sustained a highly individualistic ethos and a stratified society The traditional Indian society gradually became hierarchical both in principle and in practice It closed its doors and developed institutions of caste and untouchability. In this society, it was considered natural and proper for men to be born unequal and to enjoy unequal rights and privileges Unfortunately, these inequalities were given some sort of legitimacy by means of a system based on the theories of *dharma* and *karma* Men were born as *brahmins* or *sudras* or *chandals* (untouchables) according to the law of *karma* and in society it was their *dharma* to act in accordance with the station in life to which they were born The law of Manu, more or less, formalised these inequalities. The forces of rationalism and change did invigorate our society with the rise of Buddhism and Jainism There was insistence upon the total renunciation of ritual and idol-worship, but it got defeated at the hands of forces which bring division in life and encourage differences between man and man. Religion was reduced to caste and communal mores. The caste system broke up the unity of Indian life and impeded the growth of democracy It engendered snobishness and pride in the higher castes and induced a spirit of inferiority and servility amongst the lower castes These factors have hindered the development of an open society. During the Islamic era, the dynamism of Islam under the secular, liberal, forward-looking administration of Akbar brought a brief spurt to Indian thought but the bigotry of his successors culminating in the stultifying and narrow-minded rule of Aurangzeb pushed India back to superstition and obscurantism. Macaulay's famous Minute on Education exposed generations of Indians to western scientific thought and rational political and economic principles But it was the colonial ethos that was the chief force and, in spite of development in education, the distinction between man and man, according to status, remained the dominant feature of social life. All this narrowed our outlook and to a great degree it still persists.

In the recent past, we made a frontal attack against the normative order of our society. It was Gandhi who was by far the most outstanding exponent of social justice. Through his *Harijan* movement and denunciation of caste and untouchability, Gandhi paved the way for a non-violent transition to a new social order It was, however, Jawaharlal Nehru who thought in terms of precise legislation to achieve social equality and to reform social institutions. The basic commitment of Nehru

was to egalitarianism. He wanted inequality both in terms of opportunities and living standards to go. This was possible only through the method of economic planning and he accordingly made economic planning the chief instrument for securing social justice. To both Gandhi and Nehru synthesis of the goals of social justice and economic development was possible The Indian National Congress in pre-independence India was the platform to channelise and express the national urge in this direction. Gandhi perceived that in a society free from exploitation and violence, social justice and development are fully harmonised Nehru gave an expression of this philosophy in his historic speech proclaiming independence calling for dedication to fulfil the ambition of the greatest man of our generation which has been "to wipe every tear from every eye". It meant the ending of poverty and ignorance and disease and inequality of opportunity. Our people, on their part, have always accorded support to this ethos. The general elections in 1971, 1977, 1980 and the state elections in 1982-83 have clearly demonstrated the power of the voters to give directions to their representatives to use the machinery of government for betterment of the people The cultural force behind the decision of the electorate was always discernible notwithstanding the propaganda, money power and such other machinations.*

ADMINISTRATION AND SOCIAL CHANGE

While participation of the people in the national programmes is a primary prerequisite of a democratic society, the actual operation has to be carried out by the administration Administration to be purposeful, has to reflect and respond to social change. The administration which we have is unfortunately hierarchical and *status quo* oriented. In this respect, its rationalisation is based upon consistency of human activities and it has itself laid down detailed procedure regarding different social functions. The administration, however, besides its commitment to established values must also change in its structure. In this regard, the most discernible impact of social change has been in the growth of administrative functions in our country Increasingly, a new administrative ethos has been seen in India which tries to reflect the popular will and is developing its organisational competence and inputs to tackle the new challenges In this context, administration is continually interacting with the political, economic and socio-cultural value system of our society. It is both a modifying influence upon these systems and is getting itself modified by activities of these related systems. A new constitutionalism will be required to cope up with the forces of challenge in our system both by our political system

*For a detailed analysis of political culture and public administration. please see, B P. Singh, "Political Centre and Public Administration in the National Value System. the Indian Scenarios," *Indian Journal of Public Administration*, Vol XXVII, No 4, October-December, 1981, pp. 1043-1054.

and administrative system Unfortunately, the declining moral standards in public life have adversely affected the quality of administration at every level It is in this context that the new public administration has to devise built-in safeguards against forces leading to maladjustment and confusion, corruption and sloth. The support would come from latest cultural forces of the society.

The scientific revolution that the world has witnessed imposes on us the need to conduct our national affairs scientifically. This is, however, different from the substantive employment of science to achieve a political objective Calling upon atomic scientists to produce atomic bombs does not automatically lead to a scientific society or a scientific government. We would only be justified in speaking of a scientific society if the methodologies of science replace the age-old archaic and arduous procedures For millenia, the limitations of science and technology restricted the opportunity for any given culture to learn from another, notwithstanding the fact that our culture did influence others and there was some cultural exchange in our country too But today, science and technology have greatly simplified this process of exchange. Today, the world is shrinking Each man's world, however, is expanding or could be made to expand Every culture is influencing every other culture Moreover, it is not merely that knowledge has divested itself from the parochialism of a state or country but it is also free from the confines of race, class and sex. Today, the world is witnessing a phenomenon where the entire earth could be viewed on the television from the outer space Side by side, science has given us the capacity to liberate humanity from age-old misery, poverty, squalor and disease

It has to be clearly understood that the eradication of poverty as well as an overall progress can only be achieved through the application of science and technology in our activity and by clear and unambiguous understanding of how natural forces work and how they can be harnessed for human betterment The growth of seientific climate, in turn, is dependent upon the type of values we cherish and propagate in our society. This growth is hindered, if we continue our blind faith in soothsayers, astrologers, palmists and various types of god-men and all other kinds of exploiters of ignorance and irrational faith Analyses of successful scientific and industrial revolutions have clearly demonstrated an interrelationship between cultural values and economic change Culturally sanctioned values and symbols have served as necessary fertiliser for the seed of economic progress to grow fully

Having a close look on evolution of key ideas and institutions which have influenced life styles and behaviour patterns, history shows that whenever the economic task has become a cultural challenge, economic development has been achieved more easily. The Puritans of England, the Samurais of Japan, and the Bolsheviks of Russia came not as economic or industrial leaders but their image was one of the bearers of a new message of all-round

development of the nation's destiny. Similar was the message that Mahatma Gandhi gave to the countrymen. All this underlines the fact that without a profound cultural backing, economic advance cannot be sustained and social inequities eradicated.

Since administration is a vehicle to bring about social change, it too has to inculcate scientific values and supplement them by a cultural consciousness. With the responsibility that has devolved upon it to execute socio-economic programmes, there is need for making it politically and culturally sensitive. Failures of human element in administration cannot be precluded by rules and regulations alone. It is common knowldege that administration is known to have failed not on account of corruption or sloth, which, of course, are external manifestations, but for lack of consciousness, ideas and dedication. An atmosphere of general consciousness of social goals in various elements of administration would make it more responsive to the needs of the people than a mere spate of administrative reforms.

ADMINISTRATION AND CULTURE

To some, culture represents the hallowed, the unchanging and the unchangeable elements of the past divorced from the realm of administration. There could perhaps be no view of culture more myopic and narrow than this. To a social thinker, culture is a dynamic variable and enormously potent and influential and which the human community uses to adapt to its changing environment Administration bears the unmistakable impact of the cultural milieu at the given time and yet, if given proper task and leadership, can act as an instrument of social change. The various developmental policies and programmes of the government have a cultural dimension and a great many state functionaries are continually active in harnessing society's values, symbols, and myths to diverse purposes Administration must play its role as it lies at the centre of a web composed of many different relationships that extend to the citizen, to the state, to the society, and their values, economy, development, and more.

The problem of forging culture and administration into instruments of social change is complex The first requirement is a determination of the meaning, scope or relevance of these factors in the context of nation-building. At the same time, it would be necessary to identify the forces operating in the name of culture against social change and progress. The widest possible propagation of a scientific temper in society is a must. The question is how to expedite it: what are the impediments and how they can be surmounted ? Science and technology must assist in modernising our agriculture, ensuring the optimal utilisation of our industrial potential and using our vast manpower to change the face of the country. How can this be achieved? How best can we evolve an appropriate technology relevant to the country's needs and making full use of the existing institutions,

knowledge and traditions? A question naturally arises : is the justification of science merely for the removal of want and maximisation of material affluence? Scientists tell us how to conserve and utilise the natural resources. Should they not also provide an insight for the full development of the inner resources of man? Science is speed and energy. Does it not need a spirituality to give it direction? How best can one achieve a synthesis between western technological advance and Indian spirituality so that we have a people generally speaking with an Indian soul and a western exterior? Are we adequately conscious of the need for striking this balance? If not what are the causes and how can they be overcome? Again, if administration is to be the vehicle of social advance, it has to reflect and respond to the people's hopes and aspirations. But there are countervailing forces seeking to perpetuate the *status quo*, to prevent the administration from coming closer to the people and becoming a partner in their march towards progress What are these forces and how best can they be utilised? What is their role in creating and sustaining a false dichotomy between an elitist administration and rural oriented 'bare foot' administrators?

CONCLUSION

A study of the ineraction between culture as manifested in a mult-faceted value system of our plural society and administration with reference to its structure, its programmes and their implementation, in the context of generating and channelising forces of social transformation is an imperative requirement The study of interaction between culture and administration could be at village, district and state levels Such studies need to be encouraged as these would indeed be interesting addition to the existing literature on public administration which relates mostly to structural changes, the civil services reforms and the civil servant-politician relationship The study of culture and administration interaction should be of equal relevance to the theoretician, on the one hand, and the active participant in social change, on the other.



Bureaucracy and Change in Pakistan

Mustafa Chowdhury

RESISTANCE TO change is not only a property of bureaucracies but can be found to some extent in all organisations.[1] All organisations strive to preserve their structures, and those who work in them try to cling to accustomed values and institutions as long as they can. As Robert Lapiere observes :

> Bureaucracy, like other forms of organization, discourages the emergence of changes from within and resists the impact of changes from without.... It does much to discourage the emergence of innovative individuals, and even more to retard the adoption of whatever innovations do appear.... The inherent tendency (is) for any mature bureaucratic organization to resist change from without, *i e*, to be reluctant to adapt itself to changed external conditions or adopt innovations that are available to it.[2]

The widely-held belief that bureaucracies always resist change is based on the assumption that since such organisations are concerned with established procedures and continuity, any alteration in these routines tends to be viewed as an unwarranted disturbance of *the status quo*.

The identification with *the status quo* leads those, who so identify, to sanctify procedures and, therefore, to resist any attempt to change them. Michael Crozier contends that a bureaucratic system resists change "as long as it can; it moves only when crisis develops".[3] According to Crozier, crisis is a major factor accounting for change in the bureaucratic

[1]See Victor A Thompson, *Modern Organization*, Alfred A Knopf, New York, 1961; see also V A. Thompson, "Bureaucracy and Innovation", *Administrative Science Quarterly*, Vol. 10, 1965, V A. Thompson, "Administrative Objectives for Development Administration", *Administrative Science Quarterly*, Vol 10, 1965; and also Robert Michels, *Political Parties*, New York, The Free Press, 1962

[2]R T Lapiere, *Social Change*, New York, McGraw-Hill, 1965, pp 329, 409-11, see also M P. Smith, "Barriers to Organizational Democracy", *Administration and Society*, Vol. 8, pp 275-375; Robert Presthus, *The Organizational Society* (revised edition), New York, St Martin's Press, 1978, A Etzioni, *The Active Society*, New York, Free Press, 1968; M Crozier, *The Bureaucratic Phenomenon*, Chicago, University of Chicago Press, 1964.

[3]Crozier, *op cit*, p. 196.

organisation. M.H. Halperin agrees, pointing out that "the bureaucratic system is basically inert; it moves only when pushed hard and persistently".[4] Robert Merton makes a similar claim :

> Adherence to the rules, originally conceived as a means, becomes transformed into an end-in-itself; there occurs the familiar process of displacement of goals whereby "an instrumental value becomes a terminal value". Discipline, readily interpreted as conformance with regulations... is seen not as a measure designed for specific purpose but becomes an immediate value in the life-organization of the bureaucrat. This emphasis, resulting from the displacement of the original goals, develops into rigidities and an inability to adjust readily Formalism, even ritualism, ensures with an unchallenged insistence upon punctilious adherence to formalized procedures .. Thus, the very elements which conduce toward efficiency in general produce inefficiency in specific instances.[5]

Implicit in all these arguments is the idea that bureaucratic identification with established procedures impedes effective functioning and leads to rigidity. The purpose of this essay is to examine the thesis of those who believe that bureaucratic organisations necessarily resist change We shall analyse certain reforms in Pakistan in order to see whether and to what extent bureaucracy does in fact resist change Most of the conclusions are based upon the writer's interviews with Pakistani career bureaucrats in Bangladesh between May and September, 1979

CULTURAL CONTEXT OF ADMINISTRATIVE REFORMS

The term 'administrative reform' has been defined by different writers in different ways[6] To politicians, it is a means of replacing supporters of the old regime, and of enhancing the capacity of organisation to implement the policies of the new government Administrators view it as a vehicle for attaining organisational efficiency and effectiveness Social scientists perceive it as the engine of social change, while specialists regard it as the application of new technologies to enhance the effectiveness of the organisation.

[4]M H Halperin, *Bureaucratic Politics and Foreign Policy*, Washington D.C, Brookings Institution, 1964

[5]R K Merton, *Social Theory and Social Structure*, Glencoe, Ill, Free Press, 1957, pp 199-200, also see J M. Pfiffner and Robert Presthus, *Public Administration*, 5th edition The Ronald Press Company, 1967, p 58.

[6]See Frederick Mosher (ed), *Government Reorganization Cases and Commentary* New York, The Bobbs-Merill Company, 1967, Homer G Barnett, *Innovation The Basis of Cultural Change*, New York, McGraw-Hill Book Company, 1953, R. T Lapiere, *op cit*; Gerald E Caiden, *Administrative Reform*, Chicago, 1969

Whatever its purpose may be, administrative reform can be viewed as a conscious effort to bring about fundamental changes in the behaviour and performance of administrators Since administrative reform involves a change in the attitudes and behaviour of the bureaucracy, it is closely related to the culture of the society. The values of administrators are shaped by the cultural conditions. Dwight Waldo observes that despite Weber's stunning erudition and his strenuous attempt at universality, his presentation of bureaucracy was culture-bound. Despite his heroic effort to be objective, and value free, his presentation of bureaucracy reflects his own, and his culture's values.[7] Robert Presthus also maintains that major variations in bureaucratic behaviour stem from cultural differences.[8]

Though the values of administrators are shaped by cultural factors in the environing society, there are fundamental differences between the general culture of a society and its 'administrative culture'. Whereas culture implies certain ways of thinking, feeling and behaving, administrative culture refers to conventional ways in which *administrators* think and act It may be tempting to view a subculture like this as a mere reflection of the larger culture, but this would oversimplify the complex relation between society and bureaucracy as it takes shape in many developing countries

Michael Crozier used culture as a variable in his study of French bureaucracy, arguing that certain cultural factors like "isolation of the individual, the predominance of formal over informal activities, (and) the isolation of the strata,"[9] have a significant impact on authority relations There is, among French people, he argues, a fear of and resistance to change, an attitude clearly reflected in French bureaucratic behaviour Such cultural factors are highly significant in determining the behaviour of bureaucracy precisely because their impact on such behaviour is likely to be more substantial than bureaucracy's impact on the general culture

In addition to the cultural context, the success or failure of administrative reform seems to depend on the following variables; the nature of the reform, the values of reformers, the nature of administrative culture, timing, and the element of leadership

ANALYSIS OF FINDINGS

Turning to our case study, our analysis of the reports of Egger, Gladieux, and the Administrative Training Council should show the relevance of the above mentioned variables to the success or failure of administrative reforms in Pakistan. Pakistan felt the need to improve its administrative

[7]Dwight Waldo, "Reflections on Public Administration and National Development", *International Social Science Journal*, Vol 21, No 2, 1969, p 300

[8]Robert Presthus, "Behaviour and Bureaucracy in Many Cultures", *Public Administration Review*, Vol 19, 1959

[9]Crozier, *op cit*, p 214

mechinery, having inherited an administrative structure that was designed for the most part to maintain law and order The colonial structure was highly centralised, something which was not conducive to the speedy disposal of business.

Recommendations of Egger

As a consequence, administrative reform was urgently needed to change the colonial bureaucracy into a structure suited to modern conditions. In the absence of top level political direction, the Planning Commission appointed Rowland Egger to study Pakistan's administrative system and to make recommendations aimed at adapting it to the requirements of Pakistan.

Egger found as follows:

> The administrative tradition of Pakistan placed a high value upon the managerial system developed by the British, in which the top most ranks of the civil service were occupied by generalists, non-expert administrators who divided their time between the centre and the provinces, and whose handling of policy issues was supported by an elaborate system of case noting and file collecting by superintendents and clerks who were not itinerant and who were presumably the repositories of the administrative intelligence of which policy decisions were made [10]

He pointed out the following deficiencies in the administrative management of Pakistan :

1. It is over-centralised, in the sense that relatively unimportant issues must be, or in any case usually are, finally resolved only at the very highest administrative levels
2. It is over-coordinated, in the sense that completely marginal aspects of problems are explored to the bitter end with agencies having quite remote and unimportant interests in issues
3. It is under-supervised, in the sense that everyone in the hierarchy is so busily occupied in operating below his proper level that he never has the opportunity to supervise those who are supposed to work for him.
4. It is under-propelled, in the sense that while almost everyone in the upper echelons of the command structure is busily occupied in starting something, or in stopping something, very few so situated are occupied in carrying everything through to a conclusion [11]

The net result of these deficiencies was a heavy concentration of work

[10]Rowland Egger, *The Improvement of Public Administration in Pakistan*, Karachi, 1953, p. 30

[11]*Ibid.*

at the upper levels and disorganisation at the lower levels. One explanation for this concentration was that the Government of India, which Pakistan had inherited, included a rigid administrative structure. The heavy concentration of work at the top made ministerial delegation of power impossible, and administrative officials were reluctant to delegate powers to subordinates because they lacked confidence in them, a feeling which was all too often thoroughly unjustified This concentration resulted in "congestion at the centre and paralysis at the extremities", according to Egger.

Egger also levelled serious criticism at Pakistan's secretariat system, which divided work into policy-making performed by the secretariat, and line activities carried on by the departments attached to the secretariat. Egger also pointed out that the personnel management system favoured academic notions of intelligence and ability to the detriment of human relations concerns and approaches, that recruitment and examination procedures were outdated and far removed from currently accepted practice; that the selection system was self-perpetuating; and that personnel were imprisoned behind the high walls of many services and many classes, and little common allegiance was ever developed

Egger also deplored the elitist attitude of the secretariat employees : "Officials tend to be obsessed with service membership, and too little concerned with particular job responsibilities .. Secretaries condescend to joint secretaries, and assistant secretaries take the snubs of their superiors in the order named, while all secretariat employees unite in deploring departmental personnel "[12]

To overcome these deficiencies, Egger proposed building of strong functional operating departments, decentralising of ministerial authority, conversion of the secretariat into a ministerial general staff, and revision of procedures to permit top departmental personnel to make decisions on important issues.

While Egger's recommendations evidenced considerable insight into the administrative culture in Pakistan, they could not be transformed into policy, nor were they well received by the civil service of Pakistan

Gladieux Report

Gladieux was also appointed by the Planning Board to prepare recommendations concerning the administrative and organisational aspects of development activities in Pakistan. Gladieux's report contains strong criticism of the administrative system of Pakistan, which had "too many ministries and major organisational subunits, and not enough integrating of functions into strong and more unifield structures".[13]

[12]Rowland Egger, *op. cit.*, p 11

[13]B Gladieux *Reorganization of Pakistan Government for National Development*, Karachi, May 1955, p. 30.

Like Egger, Gladieux spoke against the secretariat system in which politicians and technocrats were 'prisoners'. Since the secretariat system emphasised precedents and the authority and autonomy of files, it increased the decision-making power of the clerks. To overcome the deficiencies, Gladieux recommended decentralisation of development activities He also criticised the personnel system as "self-perpetuating and self-regulating". "Those who control the system are at one and the same time its beneficiaries and products and are themselves an integral part of the dominant administrative class of the public service"[14]

The report also contains criticism of the public service system for placing excessive emphasis on academic standards and giving disproportionate weight to seniority. It was an inflexible organisational system based on services, cadres, and classes. Gladieux also criticised the British colonial tradition of subordinating technical officers to generalists, as well as the tendency to push most decision-making up to superior authorities. This propensity reflected an inability to comprehend the processes or techniques for assuring central control with decentralised operations. Gladieux blamed the secretariat system for such over-centralisation:

> Under this system, a specially trained cadre of generalists is selected through an academic examination process, and eventually promoted to positions of responsibility in the administrative ranks of government. As the secretariat, they supervise the technical and programme departments All decisions of government, both policy and administrative, come about as the result of elaborate staff consideration within the secretariat, which serves as the almost exclusive channel of advice to the ministers.[15]

Such a system does not permit the subordinate officers to make decisions, which Gladieux blamed on the Civil Service of Pakistan (CSP) officers: "The CSP Group and its *ex officio* associates have been in unchallenged control of government, both centre and provincial, since partition. ... Theirs must be the chief responsibility for the general lack of a simplified and expeditious system of administrative management .. over the years.[16] He suggested that top administrative posts should be open to all those qualified for the duties and responsibilities of public office.

Empirical Findings

What is clear from the analysis of these two reports is that both levelled serious criticism at the traditional nature of the bureaucracy designed by the colonial power to rule the Indian subcontinent. Both reports contained

[14]B Gladieux, *op. cit.*, p 30
[15]*Ibid*, p 67
[16]*Ibid*, p 78.

serious criticism of the administrative service of Pakistan, precisely because it was based on British models and values.

In order to determine their attitude toward these reforms, civil servants were asked the following question in personal interviews: "Regarding your career experience, what do you think were the leading reasons for remaining in the civil service of Pakistan ?" The most important reason the civil servants gave was that it provided them with the greatest possible amount of occupational prestige Other reasons included the guarantee of security of tenure, the prospect of pension on retirement, and the prospects of promotion and the exercise of authority.

Civil servants were also asked whether they would leave the civil service of Pakistan if they were offered a job with more money. None of the civil servants interviewed were willing to leave their positions This suggests that civil servants were principally concerned with status, something which clearly reflected the colonial legacy in India before partition. To be sure, the cultural values of Pakistani society also emphasise differences of status, but this fact on its own is insufficient as a basis for explaining the values of Pakistan's civil servants

In an answer to the question, "What is your attitude toward the idea that cadre posts also should be held by technicians and other members of the superior services?" the civil servants expressed the view that cadre posts should be held only by *generalists*, *i.e.*, members of the civil service of Pakistan They also maintained that technical specialists should only be charged with responsibility for technical departments and activities.

One reason why civil servants disagreed with this idea must be clear : since major decision-making power rested in the secretariat, civil servants were opposed to the view that technicians should be allowed to hold such secretarial posts Moreover, the entry of technical personnel into these posts would have serious consequences for the power position of generalists

Civil servants were also asked what they considered to be the best criterion for promotion in bureaucratic organisations. Ninety per cent of them expressed the view that up to a certain level (joint secretary), promotions should be made on the basis of seniority. Above that level, *both seniority and merit* should be used * The remaining ten per cent maintained that both merit and seniority should be used as the main criteria for promotion to all positions.

Our findings suggest that certain values held by the bureaucratic elite in Pakistan, like exclusiveness, elitism, status consciousness, and a generalist service orientation are inconsistent with the values of those who recommended reforms Both Egger's and Gladieux's recommendations were based on American political and administrative values For example, both suggested that technicians should also be allowed to hold secretariat

*It is of course recognised that these two qualities are not necessarily unrelated.

posts. Both were critical of the secretariat system where generalist civil servants occupied most of the important posts Since Egger's and Gladieux's recommendations directly threatened officials who possessed substantial status and power, the latter naturally resisted efforts to implement these recommendations.

In contrast, other reforms which did not weaken the status and position of CSP officers were introduced and readily accepted by the government In 1958, the government set up an Administrative Reorganisation Committee consisting of career civil servants.[17] The committee recommended certain structural and procedural changes in the administrative system of Pakistan.

Perhaps the most important reform was the introduction of the section officer system in the secretariat, which replaces serveral layers of subordinate staff with a single officer Fundamental changes were also introduced in the system of financial control, budgeting and accounting, and administrative ministries were given substantial financial power

The scope of the finance and commerce pool, developed in the pre-partition India, was substantially expanded through the creation of an economic pool intended to include officers selected from outside the CSP to serve the ministry of industries Also, the responsibilities of officers of the Foreign Service of Pakistan were increased in response to a recommendation which would have them assumed commercial and public relations functions performed earlier by representatives of the ministries of commerce and information [18]

The proposed reforms sought to realise a number of objectives The section officers scheme was introduced to speed up the flow of files through the secretariat. Another objective was to separate policy and executive functions. Policy functions would be performed by ministries and executive functions by departments and subordinate offices The secretary in charge of a ministry was to have substantial administrative and financial powers The heads of departments would also enjoy administrative and financial powers within their sphere of responsibility

The economic pool mentioned earlier attempted to provide opportunities to officers from the finance and custom services to move out of their specialised positions As the Government of Pakistan stated · "The specialised and increasingly complex character of the work of these ministries and offices should be built up to ensure a regular supply to these ministries of officers who apart from having general administrative qualifications, should have special knowledge and experience of the work-

[17]Government of Pakistan, *Report of the Administrative Reorganization Committee*, Karachi, 1961.

[18]*Ibid.*, p iv.

ing of the economic policies of the government."[19]

The economic pool consisted of three categories of class 1 officers: class 'A' posts, class 'B' posts, and class 'C' posts. There were twenty posts in the class 'A' category, and thirty-five posts in each of classes 'B' and 'C'. The posts in class 'A' category were reserved for secretaries, joint secretaries, and other officers of equivalent rank, while those in class 'B' were held by deputy secretaries and officers of equivalent rank. Sixty per cent of the posts were reserved for the members of the CSP and forty per cent for members of other central superior services.

The central point is that *all* of the recommendations of the Administrative Reorganisation Committee were implemented without any resistance from the CSP officers. My interviews with CSP officers show that they endorsed the recommendations of this committee because these recommendations did not affect their interests. Indeed, the power of the CSP officers was increased since a certain percentage of posts in the economic pool were reserved for them.

Although it can only be illustrative, the following quotation suggest the generally positive response of CSP officers One civil servant, now serving in the ministry of finance in Bangladesh, maintained:

> The changes suggested by the Administrative Reorganization Committee further increased the power of the CSP. For example, one of the objectives of reform was to separate the policy function, *i.e.*, policy functions would be performed by the ministries in which most of the top posts were held by the members of the civil service of Pakistan, and executive functions by the departments and subordinate offices. Civil servants' role in policy making increased substantially as a result of such a clear demarcation of functions.

Another civil servant, now working in the ministry of education in Bangladesh, stated that "the economic pool created as a result of the recommendations of the committee did not stand in the way of the CSP's upward mobility since class 'A' posts were reserved (sixty per cent) for members of the civil service of Pakistan. It gave the CSP more access to finance posts". That the CSP's influence over financial matters increased substantially as a result of the committee's recommendations is evident from the fact that the creation of the economic pool was opposed by the comptroller and the auditor general, officials who had exercised enormous financial powers before the creation of the economic pool.

[19]Ministry of Interior (Establishment Division Resolution), *Constitution of the Economic Pool*, Karachi, September 16, 1959, quoted in M.A. Choudhuri, *The Civil Service in Pakistan*, Dacca, NIPA, 1963, p. 77.

Other reforms were also carried out. In 1959, a Provincial Administration Commission, again made up entirely of senior civil servants, was set up The commission was asked to reorganise the boundaries of districts and divisions in both East and West Pakistan, and to look into ways to ensure efficiency in provincial administration. The following lines of reform were suggested :

> The present independent and disconnected activities of government in the field (in the divisions and districts) have led to a situation where there is urgent need of coordinating governmental activities at district/divisional level. This coordination ... should be secured through district/divisional councils of which the deputy commissioner/commissioner will be *ex officio* chairman, as is contemplated under the Basic Democracies Order To discharge the essential role of coordinator, the district officer/commissioner should become the captain of a combined operations team of district/divisional officers of various departments operating within their respective jurisdiction.[20]

The Commission, in effect, sought to increase the power of division of district head, to whom more power was to be delegated by the provincial government.

Various recommendations made by the commission increased the power of divisional/district heads who usually were members of the civil service of Pakistan This delegation of power to the divisional/district heads was also made with a view to enabling the administration to undertake development activities under the Basic Democracies Order. Once again, all these recommendations were accepted by the government, with bureaucracy offering no resistance whatsoever to the changes suggested by the commission. Instead, they hailed these recommendations since they increased their power and enhanced their status.

Results of Schemes of Administrative Training Council

Additional reforms were also carried out. During the Ayub regime, an attempt was made to transform the bureaucracy from an agency of law and order to an instrument of socio-economic development and modernisation The regime made economic development and modernisation its primary objective and sought to bring about a fundamental change in the bureaucracy's ethos and training In 1960, an Administrative Training Council was set up to introduce an elaborate training programme for officers of the central services The scheme submitted by the council envisaged systematic training programmes for officers of the various services,

[20]*Report of the Provincial Administration Commission*, 1960, Lahore, Government Printing, 1960, p 99

including an Administrative Staff College, and National Institute of Public Administration.

One of the significant results of this training scheme was that it brought together for the first time men from various services like the CSP, the police, audit and accounts, the PCS (provincial civil service), education and agriculture This helped to produce a collegial sense among members of the services, something which enabled them to work more closely with one another later on. This programme was also successful because it imparted valuable new information to officers of the various services, making it possible for them to acquire knowledge in fields like administration, economic development, and constitutional law.

Courses offered by the NIPA included: public administration, management process, management analysis, human relations, personnel administration, financial administration, social and economic development, and its administrative requirements, structure and functions of the government in Pakistan, and the administrator and the public interest Courses offered by the Civil Service Academy included : public administration, development economics, and Islamic studies.

In common with other proposals, this training scheme, prepared by the Administrative Training Council, was readily accepted by CSP officers, in large part because it increased their power with senior CSP officers becoming heads of various training institutions. No change was made in the organisational pattern for personnel administration; the CSP officers continued to hold key posts in the civil service.

One reason why the bureaucratic elite offered no resistance is that these recommendations were consistent with the values of civil servants. Those who recommended these changes were for the most part senior members of the civil service of Pakistan. Consequently, they recommended changes which would be acceptable to themselves and to other members of their status group. Since President Ayub depended on the bureaucracy to achieve his objective of socio-economic development and modernisation, he could not afford to antagonise it.[21] Therefore, we can say that the nature of the reform, as well as the values of administrators and that of those on administrative reform committees, determines its fate.

In addition, the political environment often determines the fate of reform Administrative reforms cannot be successful if political apathy prevails. Both Egger's and Gladieux's study were undertaken at a time when Pakistan was experiencing a high level of political instability. Consequently, political leaders did not take any interest in bringing about fundamental changes in the administrative structure of Pakistan. Rather

[21]See Mustafa Chowdhury, *The Politics of Bureaucracy in Pakistan*, 1947-1969, Ph.D. dissertation, April 1981.

they were obliged to depend on the existing administrative structures for building of the new nation

Another reason why political leaders did not take any decisive interest in administrative reform is that they were more concerned with the problems of constitution-making at the time these studies were undertaken[22] It was the Planning Board, not the political leaders, which appointed Egger and Gladieux to their positions.

CONCLUSION

To summarise, our analysis has shown that bureaucracy resisted certain administrative reforms which sought to break their monopolistic hold over key posts and to reduce their domination in the administrative structure of Pakistan as a whole Other reforms which did not affect their status of power and were consistent with their values were carried out This sort of affirmative acceptance may be contingent upon a resulting increase in power for the bureaucracy Our-analysis has also suggested that certain key variables like the nature of reform, the values of administrators, the values of reformers, timing, and the nature of political leadership play an important role in administrative reform

The conclusion that one can draw is that bureaucracy does not necessarily resist change, but that administrative reforms that directly threaten officials with status and power in the administrative structure cannot be carried out in a polity dominated by a strong, self-conscious bureaucracy.[23]

□

[22]See Mustafa Chowdhury *op. cit*

[23]*Ibid* pp 240-266.

People's Participation in Food Administration : Vigilance Committees in Marathwada

P.M. Bora*

ACTIVE AND effective participation of the people in the affairs of government is the basis of democracy. Democracy demands that public administration must be based on public opinion, consent and support. The actions of public agencies and officials are expected to reflect the aspirations, interests, demands and support potentials of the public they serve and direct. They are also required to command active help and cooperation of the people.[1] Democratic responsiveness by administrative officials and responsible citizen involvement in administration are considered as preconditions for an effective administrative process in the modern polity.[2] Two of the major criteria suggested for determining whether an administration is democratic are: "(1) It must be open in the sense of having wide contacts with the people . . and (2) It must be controlled not only by an official hierarchy. .but also by public opinion...."[3]

In order to fulfil the above mentioned conditions of effective and democratic administration, the government has to maintain wider contacts with the people and exchange views on vital issues of decision-making and ensure citizens' active participation in administration. It becomes, therefore, necessary on the part of government to devise some formal institutional innovations like joint-consultative committees, advisory councils or vigilance committees. These committees enable the government "to be aware of the state of mind of the Government"[4], and help the administration to mobilise public support and participation in its activities.

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[1]H Pathak, "Citizen and Public Administration", *The Indian Journal of Public Administration*, Vol XXI, No. 3-II, July-September 1975, p 575.

[2]Eldersveld, Jagannadham and Barnabas, *The Citizen and the Administration in a Developing Democracy*, Illinois, Scott, Foresman & Co , 1968, p 4.

[3]William A. Robson, *The Civil Service in Britain and France*, London, The Hogarh Press, 1956, pp 5-6.

[4]*Ibid*

This has rightly been described as 'active citizenship' upon which rests the success of administration [5]

The activities of the government relating to the management of foodgrains and essential commodities invariably affect the citizens' everyday life This work is more crucial in a state like that of Maharashtra, where supplies are considerably short of requirements and where the food situation fluctuates in accordance with the fluctuating supplies. Administrative decision making in such situations becomes very important and requires consent and cooperation of the people. This can be achieved by forming advisory or consultative committees at various levels of decision-making and taking their help as and when required This fact was recognised by the Government of Maharashtra as early as 1962 itself [6] The food and civil supplies advisory committees, however, were activised in 1972 In May 1972, the Government of Maharashtra decided to reconstitute and activise the district and taluka food and civil supplies advisory committees and accordingly orders were issued.[7] In addition to these advisory committees, the government had, in March 1973, issued an order to establish vigilance committees for supervision over the work of fair price/ration shops in the villages and in municipal areas.[8]

In the beginning of 1975, the district food and civil supplies advisory committees, taluka food and civil supplies advisory committees and the vigilance committees were all operating in Maharashtra It was, therefore, decided to study the composition, working and utility of these committees in the light of the role which they play in the distribution of foodgrains and essential commodities in the state. The object was to ascertain the extent of their influence on administrative decision-making and on the realisation of the objective of 'responsible citizen involvement in administration'. This is based upon the findings of the survey of these committees conducted in the five districts of Marathwada.

Maharashtra's experiment of food advisory committees and vigilance

[5]The concept of 'active citizenship' was emphasised by Shri V T Krishnamachari in the opening session of the Fifth Annual Conference of the Members of IIPA See the report, *Administration and the Citizen* (Proceedings of the Fifth Annual Conference of the Members of IIPA), New Delhi, IIPA, 1961, p 4

[6]Government of Maharashtra, Agriculture and Forest Department, Government Resolution, dated Sept 24, 1962 According to G R Food Advisory Committees, 'to advise the collector' were constituted It seems these committees remained inactive up to 1972

[7]Government of Maharashtra, Food and Civil Supplies Department issued two government orders, one on May 20, 1972 and second on May 24, 1972 constituting District Food and C S Advisory Committees and Taluka Food and C S Advisory Committees respectively

[8]Government of Maharashtra, Food and Civil Supplies Department, Circular No. ACD/1073/7959-P, Bombay, dated March 8, 1973.

committees was specially noticed by the Estimates Committee of Lok Sabha, when, in 1974, it examined the civil supplies organisation of the Union Ministry of Commerce.[9] The Committee has suggested that a special study be undertaken as to the manner in which effective public cooperation could be mobilised for the assistance of the executive machinery for the enforcement of the various civil supplies control measures in the state.[10] This suggestion of the Estimates Committee of Lok Sabha was taken up by us and after negotiating with the Government of Maharashtra official cooperation was duly obtained for conducting the survey of vigilance committees.

COMPOSITION OF THE VIGILANCE COMMITTEES

In the beginning of 1973, when the food position in Maharashtra was difficult due to drought and inadequate allotments of grains by the Government of India,[11] it was realised by the state government that effective supervision over fair price/ration shops was necessary. It was, therefore, decided by the government to establish vigilance committees 'for supervising the work of fair price/ration shop at village and in Municipal areas'. A government circular for this purpose was issued on March 8, 1973, and vigilance committees in village as well as in municipal areas were established in accordance with the circular.[12]

Accordingly, a vigilance committee was to be established in each village which had a fair price shop. This village level vigilance committees was to consist of :

1. Sarpanch.
2. Up-sarpanch.
3. Three to five persons, who are social workers, representing political parties, and
4. One or two representatives of the mahila mandal.

The members other than the sarpanch and up-sarpanch were to be nominated by the tahsildar of the concerned taluka.

[9]Government of India, Lok Sabha Secretariat, *61st Report of the Estimates Committees of Lok Sabha*. New Delhi, 1974, para No 8 24 to 8 27.

[10]*Ibid*, para No 8 27.

[11]In 1972 only 14 12 lakh tonnes of foodgrains were received from Government of India whereas 16 77 lakh tonnes were distributed through fair price/ration shops. Corresponding figures of receipt and distribution in 1973 were 22 69 lakh tonnes and 24 31 lakh tonnes

[12]Government of Maharashtra, Food and Civil Supplies Department, Circular of March 8, 1973, *op. cit.*

In class 'C' municipalities, a single vigilance committee was to be constituted including:

1. Chairman of the municipality,
2. Vice-chairman of the municipality, and
3. Three to five persons who are social workers representing various political parties (These members were to be nominated by the concerned sub-divisional officer).

In the areas within the jurisdiction of 'B' and 'A' class municipalities and in areas of municipal corporations, the vigilance committees were to be constituted for each ward. The ward vigilance committee was to consist of:

1. Ward councillor,
2. Three to five persons, who are social workers, representing various political parties, and
3. One or two representatives of the mahila mandal.

Nomination of members other than ward councillors was to be made by the concerned collectors (controller of rationing in the Bombay rationing areas).

FUNCTIONS

The vigilance committees were to perform the following functions:

1. To ensure that the prices and stock display-board is exhibited properly.
2. To ensure that samples of foodgrains are displayed by the shopkeepers and these correspond with the stocks.
3. To ensure that the proper indents are placed by the shopkeepers taking into account the weekly requirements of foodgrains and sugar.
4. To ensure that the available stocks are distributed equitably to the consumers especially in rural areas
5. To keep a watch on the working of the shop in order to detect and prevent any malpractice on the part of the shopkeepers in respect of distribution of foodgrains, sugar, etc.
6. To ensure that in the scarcity-affected areas, distribution of foodgrains is made to the scarcity labourers on a priority basis. The government circular expected that the committee should start functioning immediately.[13]

[13]Government of Maharashtra, Food and Civil Supplies Department, Circular of March 8, 1973, *op. cit.*

EVOLUTION OF THE IDEA OF VIGILANCE COMMITTEES

A close perusal of various official circulars, resolutions, clarifications, notifications and directives issued from time to time by the food and civil supplies department of the Government of Maharashtra and by the divisional commissioner's office in Aurangabad made it clear that the Government of Maharashtra, when it first decided to form vigilance committees in the villages and in municipal areas, was not clear as to what exactly shall be the composition and functions of these committees. The idea of vigilance committees had gradually evolved during a period of about two years in the following manner.

The work of distribution of foodgrains and other essential commodities is the most significant among the activities of food administration. It is more so during the scarcity periods. But this work is not directly handled by the administrative machinery in Maharashtra. It is entrusted to about 30,000 fair price/ration shopkeepers in the state The shopkeepers distribute the government grains, sugar, etc, throughout the length and breadth of the state and are scattered in thousands of villages Their work is supervised and regulated by the regular administrative and inspectorial staff. But the work of the staff is not effective unless people cooperate with them The vigilance committees were devised by the Government of Maharashtra in 1973, with the purpose of mobilising effective public cooperation for assistance of the executive machinery for the proper distribution of foodgrains and essential commodities. Their main purpose was to keep a close watch over the fair price shopkeepers' activities This was emphasised by the government in a circular dated May 19, 1973 The vigilance committees were to keep a close watch over distribution by the fair price shop and the members were to be kept informed about the release of stocks For this purpose, tahsildars were asked to send a copy of the release order to the chairman of the vigilance committee This order was modified in January 1974 and tahsildars were asked to inform the chairman and members of the vigilance committees while issuing foodgrains, sugar, etc, from the godowns.

The government by another circular dated April 20, 1974, observed that there is "no need to have Chairman and Secretary of Vigilance Committees". Government, however, decided that the talathi should work as the convener of the vigilance committees of 'C' class municipal areas and responsible supply official nominated by tahsildar or collector in other places Regarding the procedure of meetings of vigilance committees, it was directed that "it is not necessary to draw detailed agenda minutes .... However, convener may inform tahsildar/collector/controller of rationing regarding the date of meeting and any notable point on which further action from supply section is called for" [14]

[14]Government of Maharashtra, Food and Civil Supplies Department, Circular dated April 20, 1974.

In August 1974, the collectors and tahsildars were again asked to set up vigilance committees and activise them. It was also desired that the district and taluka food and civil supplies advisory committees meetings must be convened by collectors/tahsildars and that "these Committees should supervise the work of the vigilance committees" [15]

In September 1974, the government had issued instructions that 1 or 2 students above the age of 18 years may be appointed on the vigilance committees as additional social workers (not in the capacity of student representatives) [16] The office of the divisional commissioner, Aurangabad had also issued instructions to the collectors in this regard in August 1974, asking them to form and activise vigilance committees [17] In October 1974, the divisional commissioner's office, Aurangabad again issued instructions to collectors/tahsildars to make use of the vigilance committees so that distribution work, particularly in rural areas, is done properly It was proposed that the fair price shopkeeper should produce a certificate signed by two of the members of the vigilance committees that foodgrains and other commodities like sugar, etc , have been properly distributed in his village. The tahsildars should issue the next month's quota of foodgrains, sugar, etc., to him only after this certificate is produced by the shopkeeper If a shopkeeper fails to produce such a certificate signed by two members of vigilance committees of his village, proper action must be taken against him [18] It is thus evident that the idea of vigilance committees evolved in Maharashtra gradually in 1973 and 1974

It was realised in the very beginning of the study that in spite of all the detailed instructions and classifications issued by the government, the field officials did not appreciate the idea of forming vigilance committees, and associating themselves in distribution work The vigilance committees, therefore, were not formed in many places This was probably the reason why government and the divisional commissioner had time and again, to issue instructions to the field officers to set up and activise the vigilance committees.[19]

[15]Government of Maharashtra, Food and Civil Supplies Department, Circular dated August 5, 1974

[16]Government of Maharashtra, Food and Civil Supplies Department, Circular dated September 6, 1974

[17]*Vide* F. No 73/CSG/101 dated August 5, 1974 issued by the Divisional Commissioner's Office, Aurangabad

[18]Divisional Commissioner's Office, Aurangabad, Circular, File No 1974/CSG, dated October 15, 1974

[19]In a Circular dated August 5, 1974, the government has observed that "Shopkeepers divert stocks to the open market and consumers do not get the required foodgrains" The need to set up and activise vigilance committee was again emphasised in that circular

WORKING AND UTILITY OF THE VIGILANCE COMMITTEES

For the purpose of conducting the survey of the vigilance committees, ten talukas out of the total of 46 talukas in Marathwada division were selected by a simple procedure of random sampling Out of the chits of the names of all the talukas in each district, two chits were picked up and thus in all ten talukas, *i.e.*, two in each district were selected for the purpose of the survey. The names of thus selected talukas were: Jalna, Soegaon, Osmanabad, Latur, Beed, Ambajogai, Nanded, Hadgaon, Parbhani and Basmathnagar. The tahsil offices of the selected taluka places were personally visited and the information regarding number of villages, towns, fair price shops, vigilance committees, and number of cases of malpractices of shopkeepers brought to the notice of authorities by the members of the vigilance committees was collected in a proforma from the concerned office papers. This information has been given in Table 1

It is evident from Table 1 that according to official information:

(*i*) Vigilance committees were set up almost in all ten talukas,
(*ii*) almost all the fair price shops in all the talukas, except one were covered by the vigilance committees, and
(*iii*) except in the case of Jalna and Osmanabad, the cases of malpractice of fair price shopkeepers were not brought to the notice of the authorities by the vigilance committee members.

This should not mean, however, that there were no cases of corruption or malpractice in the distribution of grains and sugar. On the contrary, the local newspapers regularly reported a number of cases of corruption and malpractice in the distribution on the part of the fair price shopkeepers.[20] The government was also aware of these cases.[21] The divisional commissioner, Aurangabad had accepted in a press conference, that fair price shopkeepers were indulging in malpractices and that it had, therefore, become necessary to activise vigilance committees [22]

All these facts were brought to the notice of the tahsildars and their supply staff They were requested to explain why the vigilance committees, which covered almost all the fair price shops in their respective talukas, were not successful in checking and controlling malpractices and bringing them to the notice of the authorities The officials agreed that even though the vigilance committees were set up, they were not working effectively. Three main reasons were put forward by them for this

[20]See *Marathwada* (Aurangabad) Marathi daily newspaper of 1-11-1974, 30-11-1974, 14-12-1974 and 18-1-1975 Also see *Prajawani* (Nanded) daily Marathi of 22-10-1974 Also see *Maharashtra Times* (Bombay) of 13-12-1974.

[21]This was accepted by the Government in the Circular of August 5, 1974, *op cit*

[22]See *Marathwada* (Aurangabad) Marathi daily of 16-10-1974.

TABLE 1 STATEMENT OF INFORMATION REGARDING FORMATION AND WORKING OF VIGILANCE COMMITTEES IN TEN SELECTED TALUKAS OF MARATHWADA

Name of taluka	*No of villages*	*No of towns*	*No of F P S*	*No of vigilance committees*	*No of ward committees*	*No of F P S covered by vigilance committee*	*No of cases of malpractices brought to the notice by the vigilance committee*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Jalna	213	1	268	208	32	268	3
Soegaon	67	—	42	42	—	42	Nil
Osmanabad	107	1	132	111	27	132	1
Latur	116	1	169	169	43	169	Nil
Beed	174	1	265	239	—	239	Nil
Ambajogai	170	2	405	368	37	368	Nil
Nanded	192	3	264	119	56	208	Nil
Hadgaon	186	1	215	186	1	215	Nil
Parbhani	170	2	173	173	29	173	Nil
Basmathnagar	210	1	198	210	1	198	Nil

SOURCE Collected from Supply Section of concerned Tahsil Offices

Firstly, they felt that the vigilance committees were not equipped with clear-cut and adequate powers to control and check the misdoings of the fair price shopkeepers.

Secondly, they observed that the shopkeepers might be obliging the members of the vigilance committees by giving them additional benefits or the members might be extracting extra benefits from the shopkeepers before issuing the 'proper distribution certificates'.

Thirdly, the officials observed that usually there are two rival groups in the village. If the shopkeeper belongs to one group, the other group makes complaints against him with the authorities. Corruption and malpractices are thus mostly brought to their notice by these interested groups rather than by the vigilance committees. In view of the rival groups actively engaged in opposing each other, the vigilance committees inevitably become ineffective

Most of these reasons and arguments, put forward by the taluka level officials and functionaries in an informal way, were later confirmed by the members of the vigilance committees.

THE VIGILANCE COMMITTEES—VILLAGE LEVEL

After collecting the official information regarding the formation and working of the vigilance committees from the ten selected tahsil offices and informally knowing the views of the administrative functionaries regarding the utility of these committees, it was decided to personally visit about two per cent of the villages. In all, there were 1605 villages and 1825 vigilance committees existing according to the official information A sample of 40 villages, *i.e.*, four villages in each of the ten selected talukas, was selected. While selecting four villages in each taluka, deliberately two big villages and two comparatively smaller villages on the basis of population and area, were selected. For this purpose, cooperation of the concerned taluka level supply staff was obtained. The object of the survey was to meet the members of the vigilance committees set up in the villages in order to collect first-hand information regarding the composition, working and utility of these committees.

It was taken for granted that as per the order issued by the government, in all the selected talukas the tahsildars must have constituted the vigilance committees and the names of their members would be available in the tahsil offices. When contacted for this purpose, only in four talukas the supply staff could give the names of the members of the vigilance committees In six other talukas these names were not available in the tahsil office We were, however, advised to go to the villages and meet either the talathi or sarpancha or the fair price shopkeeper to get the names of the vigilance committee members of the villages.

Forty villages, four in each selected talukas were personally visited.

All the villages, according to official information, were supposed to have vigilance committees but when the villages were actually visited a very different picture emerged. Out of the 40 villages, only 16 villages were found having vigilance committees which were formally established and functioning. In 10 villages, vigilance committees were not set up but the members of these committees and they alone were signing the 'clearance certificates' required to be produced in the tahsil office by the fair price shopkeepers for release of the next month's quota of grains and sugar In 6 villages, none was found to be aware of the existence of the vigilance committee Neither the talathi, nor the sarpanch in these villages knew that the tahsildar has established a vigilance committee for their village The fair price shopkeepers in these villages, however, were aware of such a committee but were somehow managing to get the *signatures of two or three respectable persons of the village in order to* get the next month's quota from the tahsils In two villages, the fair price shops were found to be defunct for more than three months. In 6 villages, we did not get proper response because there the fair price shops were owned by influential and powerful persons who, when requested to give names of the members of vigilance committees, flatly refused to cooperate The talathis and sarpanchas were also informed by the shopkeeper not to cooperate and answer any of the questions in this regard. Our efforts to contact a few other persons and collect some relevant information also could not succeed due to their absolutely non-cooperative and at times hostile attitude We could, thus, meet vigilance committee members in only 16 out of 40 selected villages (see Table 2, p 50).

A proforma intended to formally collect information regarding the socio-economic conditions of the members of the vigilance committees was prepared in Marathi It was desired to collect the following information through the proforma:

1. Name . . . .
2. Age .. . .
3 Education . . . .
4 Profession . . . .
5. Annual Income . . . .
6 Caste . . . .
7. Political Party . . . .
8 Member of any other organisation. . . ...
9 Official post occupied, if any ... .
10. Any other information .. ..

Village .. .. Taluka . . .. District. .. . .

Total 98 members of the village level vigilance committees scattered in

ten selected talukas of Marathwada region responded and the information collected from them is given in Table 3. This information, intended to collect facts about the socio-economic conditions of the members of the village level vigilance committees, was collected by getting the proforma filled up individually from each member who agreed to respond to our survey.

TABLE 2 STATEMENT REGARDING THE VILLAGE LEVEL VIGILANCE COMMITTEE

Sl. No	*Response*	*No of Villages*
1.	Vigilance Committee systematically constituted and functioning	16
2.	Vigilance Committees not properly constituted	10
3.	None aware of the Vigilance Committees	6
4.	Refused to respond	6
5	Fair Price Shops non-existent	2
	TOTAL	40

TABLE 3 SOCIO-ECONOMIC CONDITIONS OF THE VIGILANCE COMMITTEE MEMBERS

Sl No.	*Individual Information*	*No of Members*
1.	*Age*	
	(*i*) Between 30 to 40 years	34
	(*ii*) Between 41 to 50 years	26
	(*iii*) Above 50 years	38
2.	*Education*	
	(*i*) Illiterate	22
	(*ii*) Up to primary schools	54
	(*iii*) Up to matriculation	20
	(*iv*) Up to graduation	2
3.	*Profession*	
	(*i*) Agriculture	80
	(*ii*) Other than agriculture	18
4.	*Annual Income*	
	(*i*) Below Rs. 5,000	82
	(*ii*) Above Rs 5,000	16
5	*Caste*	
	(*i*) Maratha	38
	(*ii*) Brahmin	8
	(*iii*) Scheduled castes	6
	(*iv*) Other castes	46
6	*Political Party*	
	(*i*) Congress	64
	(*ii*) Other party	4
	(*iii*) No party	30
7.	*Official Position*	
	(*i*) Sarpancha/Up-sarpancha	10
	(*ii*) Members of gram panchayats	38
	(*iii*) Occupying other posts like chairman of cooperative society, etc	26
	(*iv*) Non-official position	24

It is evident from Table 3 that the majority of the members of the vigilance committees were middle aged, moderately educated, engaged in agriculture, belonging to the dominant majority caste and the Congress party and occupying one or the other position of power in their villages. Most of them, therefore, wielded influence and power in the village and belonged to comparatively higher social strata in the rural community In the majority of villages, the fair price shopkeepers also belonged to similar social strata in the community In fact, in two villages, the sarpanchas themselves were running the fair price shops and in two other villages the near relatives of sarpanchas were the fair price shopkeepers Due to the overlapping of social and economic interests in the villages, the effectiveness and utility of the vigilance committees at the village level was practically nil in most of the villages surveyed and visited for this purpose The members of the vigilance committee and the fair price shopkeeper often were found belonging to the same socio-economic strata of the village

After collecting the information in the prescribed proforma, the members of the vigilance committees were informally interviewed. The discussion was focused on two main issues, namely: (*i*) whether they were aware of their duties and responsibilities as members of the vigilance committee, and (*ii*) how they attend to their duties In reply to the first question, the majority of the (80 out of 98) vigilance committee members said that they were fully aware of their responsibilities. It was their responsibility they said, "to see that the fair price shopkeeper brings the entire allotted stock to the village and distributes it properly to the citizens" Their response, however, was found to be varied in regard to the next query as to how they discharge their responsibilities Some said they visit the fair price shop everyday and keep watch over the activities of the shopkeeper Some others said that they visit the shop once a week or whenever they feel it necessary They, however, do not sign on any 'visit book' or 'register', etc , in the shop It was, however, interesting to note that none out of the total 98 vigilance committee members of 16 villages had found a shopkeeper indulging in corrupt or illegal practices. Nobody had ever lodged a complaint of malpractice against the fair price shopkeeper with the tahsil authorities In order to probe into this matter, they were requested to explain the reasons as to why they do not complain Most of them (90 out of 98) said that because the work of the shopkeeper is satisfactory and they found no need to complain against him Eight persons, however, told that no action is taken against the fair price shopkeeper even if they complain and therefore "it is better not to complain".

One point requires to be particularly mentioned Village authorities like the talathi, the sarpancha, the fair price shopkeeper or the gram sevak would not allow us to meet the common men of the village but would call them to the sarpancha's house They had, therefore, to be interviewed in the presence of the sarpancha, talathi or the shopkeeper In most of the

Restructuring District Administration in Bihar: Restoration of the Campbellian Idea

Haridwar Rai
and
Awadhesh Prasad

THE PATTERN of district administration in India is based on the tradition of age old territorial organisation The British imperial regime made the district the pivot and the district collector the key functionary of the administrative sytsem In the heyday of British imperialism, it came to be adopted as a model for field administration in the colonies of Asia and Africa and was, therefore, identified with a system of field administration particularly suited to the needs of colonial and absolutist regimes. With the rapid expansion of the scope of state activities due to the acceptance of the concept of welfare state after independence, the emphasis in administration has shifted from police functions and revenue collection to planned development Thus, since independence, efforts have been made to adapt this office to the exigencies of planned development and social change in a democratic framework Numerous demands made on the administration in the wake of ambitious socio-economic programmes and experimentation in democratic decentralisation called for structural and operational changes in this office With the introduction of the scheme of democratic decentralisation, commonly known as panchayati raj, it became imperative to restructure the local administrative system.

Consequently, the development functions were taken away from the district officer as a part of the scheme of separating it from the revenue functions The district administration in Bihar underwent a major structural change twice in 1972 and 1980 The changes brought about in 1972 cut at the very root of the country-old concept of unitary district administration and, the personal and institutional ascendency of district officer But the experiment in 'unintegrated'[1] or bifurcated field administration did not last long and had to be given up during the emergency (1975) to ensure an overall control of the district officer over the whole gamut of government

[1]For implication of 'unintegrated' system, see Robert C Fried, *The Italian Prefects*, New Haven, Yale University, 1963, pp. 296-314

activities in the district The Government of Bihar was directed from time to time during this period to take measures to so strengthen this office as to make it pre-eminent in the district as it once used to be. This restored to the district officer his traditional role of government agent and area-specialist in keeping with the all-embracing and exclusive nature of emergency The decision of the government to devolve executive powers upon the zila parishad only sought to emphasise the importance of strengthening the popular element at the cost of the 'bureaucratic' which, in other words, meant weakening the office of the district officer *vis-a-vis* development functions. Accordingly, the unintegrated field administration came to be reintroduced in 1980. But the recent modifications in the district administration have tended to retain traditional role of the district officer. Once again, the Campbellian concept of the district officer system, with the district officer as its real head, has been recognised as the ruling ideology for organising field administration This article intends to analyse the structural changes brought about in district administration in Bihar in 1972 and 1980 and to examine the circumstances which reversed the trend towards weakening the institution of the district officer and restoring his traditional pre-eminence in the district.

TRADITION IN TRANSITION

Under British rule in India, the district officer was the focal point of administration, invested with adequate authority to represent the totality of government in the district. True, as the sphere of state activities expanded at the turn of this century beyond the collection of land rent and maintenance of law and order, and as the development departments proliferated, the office of the district officer lost formal administrative control over the officers of different departments, though the weight of his traditional position still enabled him to exercise informal control and thereby retain his undefined pre-eminence in district administration. Likewise, though the local bodies ceased to be part of local administration and became an authority parallel to it after the introduction of 'dyarchy' in the provinces, they still functioned by and large as an appendage to the tradition-bound authority of the collector who controlled them from within rather than from without.[2]

The prestige of the district officer on the eve of, and immediately after independence, was too big an asset not to be drawn upon. However, his non-too-clear formal position in the district in relation to the different departments and local bodies made its consequences felt and called upon the planners to give a serious rethinking. Already, the district officer's

[2]Hugh Tinker, *Foundations of Local Self-Government in India, Pakistan and Burma*, London, Athlone Press, University of London, 1954, p 54

position *vis-a-vis* the technical services had undergone some changes from what it had been in the pre-independence days. Some of the technical services had by now built-up hierarchies which could rival the revenue administration The feeling of departmental 'patriotism', on the part of the district technical officers, was rampant and the district officer found himself in the unenviable position of having a new responsibility without effective means to shoulder it [3] Strains developed in the administration and there was blurring of responsibilities With the expansion of the rural development activities, new departments were created in an isolated manner [4] As a result, there was no orchestration worth the name between the activities of the field staff of any two departments, they functioned "without a sense of common objective".[5]

The launching of community development (CD) programme and national extension service necessitated the creation of an administrative organisation which could work with unity of approach. To erect a new administrative organisation exclusively to carry out the CD programme, apart from the expenses involved, required considerable time. From the point of view of administrative coordination, it made the situation even more acute. In conformity with the policy of the community project administration to transform the existing administrative services into development services and not to create a new separate department of development,[6] the Grow More Food Enquiry Committee recommended that the "development activities should be unified under the collector as extension officer assisted by the specialist officers" [7] The reorganisational idea, spelled out by the Planning Commission, laid special stress on "strengthening and improvement of the machinery of general administration" and integrating the activities of the various departments in the district and the possession of a common extension organisation [8] It impressed upon the states to continue the position of the collector as head of the district, with the district level officers of the development departments working with him as a team The suggested administrative set-up was in keeping with the administrative traditions of accepting the district officer as the principal representative of

[3]See *Report of the Bengal Administration Enquiry Committee,* (1944-45), Alipore, 1945, para 64

[4]Haridwar Rai, "The District Officer and Development Administration A Phase of Expansion and Innovation", *Journal of the Administrative Sciences,* Vol XI, No 1, 2, 3, January-December, 1966, p 86

[5]*Report of the Grow More Food Enquiry Committee,* Delhi, 1952 p 53 Also see *Report of the Economy Committee,* Government of Bihar, Patna, 1952, p 35.

[6]Government of India, Community Project Administration, Copy of the Letter No. CPA/65/63, dated New Delhi, 18 September, 1953

[7]See *Report of the Grow More Food Enquiry Committee,* Government of India, 1952, p 63 Also see *Evaluation Report on First Year's Working of Community Projects,* Planning Commission, PEO, New Delhi, 1954.

[8]Government of India, *The First Five Year Plan,* New Delhi, 1953, p 130

the government and as the general leader of the official team at the district level.[9]

Initially, however, the district officer remained out of the line of the community development administration (CPA). The CPA, inaugurated in October 1952, was not an organic part of the normal administrative machinery in the beginning and the community development area was "virtually an island in the existing administration".[10] The project executive officer had to work directly under the control of the development commissioner of the state. As the programme expanded rapidly and NES blocks were created in larger number, the development commissioner was faced with the difficulty of exercising power, supervision and control for ensuring supplies and the flow of the technical assistance to the field workers. Above all, for an integrated programme of development of rural areas, only coordination of the different departments at the state level through development commissioner was not enough. It was necessary also to ensure effective coordination at the district and sub-division levels. Thus, the district officer was entrusted with the functions relating to coordination which had so far been conferred on the development commissioner at the state level.[11] And, by 1955, the district officer was "well on the way to becoming the principal development and welfare officer of the district".[12]

TRADITION REVERSED

The introduction of the scheme of democratic decentralisation led to a major reorganisation of the district administration. The Mehta Study Team recommended that the district officer would be the chairman of the zila parishad, the district level tier of panchayati raj (PR), and one of his officers would be its secretary.[13] As to the place of the district officer in the panchayati raj institutions (PRIs), the official stands varied from involving him more intimately with them to keeping him completely out of the PRIs[14] At the same time, the states were left free to experiment any other arrangement in this regard. Naturally, the way the district officer is

[9]Government of India, *The First Five Year Plan, op. cit.*, p. 126.

[10]Government of India, *Road to Welfare State,* Publications Division, New Delhi, 1957

[11]Government of India, Planning Commission, PEO, *Evaluation Report on the Working of Community Projects,* 1954, p 12

[12]Government of India, Planning Commission, PEO, *Evaluation Report on the Second Year's Working of Community Projects,* Vol I, 1955, p 5.

[13]*Report of the Team for the Study of Community Projects and National Extension Service*, Vol I, p 19 (Hereafter to be cited as the report of the Mehta Study Team)

[14]For details, see *The Kurukshetra*, 4, 1961, p 12; *The Kurukshetra*, 12, 1961, p 4; *Report of the Study Team on Democratic Decentralisation in Rajasthan*, AWARD, 1961, p 19, and *Report of the Committee on Democratic Decentralisation*, Bombay, 1961, p. 101.

associated with the PRIs in different states is not uniform.[15] In Bihar,[16] till June 1972, the district officer had powers to inspect immovable property, institutions, records, and works in progress under the parishad, and to cancel the resolutions passed by the PRIs. As he acted as the chief executive of the district administration and the captain of the team of the officials of different departments, the district officer was expected to coordinate and supervise the development activities. The district development officer (DDO), an officer of the rank of additional district magistrate drawn from the revenue department, acted as the secretary of the parishad [17] He functioned under the dual administrative control of the collector and the Adhyaksha (President) of the zila parishad

The integration of regulatory administration and rural development activities and the assigning of the coordinating and reporting tasks to the collector and yet keeping him out of the parishad was not a sound administrative arrangement Being responsible for onerous duties relating to revenue, land, law and order and many others, the collector could not do justice to the needs of the PR set-up He was armed with the power of doing anything 'to remove difficulties arising in giving effect to the provisions of the Act' and rendering all 'reasonable assistance'[18] to the PRIs. But, partly because he was out of the parishad and partly due to involvement in other administrative tasks, the collector could hardly do much to make PR a success He usually gave higher priority to maintenance of law and order, conduct of elections, census operations, supply of essential commodities, recovery of loans and collection of rent, etc., relegating development activities to the background [19] Likewise, the collector could not afford to remain in close touch with the elected office bearers of PRIs, much less with the masses The responsibilities assigned to the collector in regard to coordinating the activities of the different departments and supervising the district level officers engaged in rural development efforts remained ill-attended As the services of a few departments had been placed at the disposal of the parishad, its resolutions and requests for inviting the district level officers of technical departments to meetings and for quick disposal of work by them, had fallen flat.[20] The position, status, and power

[15]For a detailed discussion on this point, see G Ram Reddy (ed), "Introduction", *Patterns of Panchayati Raj in India*, Madras, Macmillan, 1977, p. 16

[16]Till the end of 1980, when the PRIs were introduced in all the districts of the state, these institutions were functioning in only eight districts

[17]Government of Bihar, *The Panchayat Samitis and Zila Parishads Act*, 1961, Patna, 1970, Sec 48

[18]*Ibid*, Sec 64

[19]This was the general opinion of the PR leaders interrogated in the district of Bhagalpur.

[20]This situation was observed by one of the authors in one meeting of the parishad in the district of Bhagalpur

of the secretary of the parished did hardly enable him to coordinate and activise the services of the district level officers What anguished the planners and practitioners of PR was the fact that the collector not only did not pay prompt attention to rural development programmes but also engaged the key functionaries of the development blocks in activities relating to revenue, rent collection, law and order, supply of essential commodities, conduct of elections, census operation, etc. As better performance in other fields of activities got higher priorities in the eyes of the collector, the block development officers and other members of his team were bound to assign top priority to these tasks even at the cost of their normal development work[21] The different technical departments of the government had been protesting against the utilisation of their subordinate officers and staff in jobs other than their own All these gave rise to a thinking in some quarters that the office of the collector, having authoritarian traditions, was not conducive to the scheme of democratic decentralisation, that development administration did not blend well with the executive-regulatory-administration, and, therefore, the two should be separated[22] A sub-committee appointed by the state government on amendment to the PR legislations also emphasised the need for reorganising the administration at the district level and for creating a separate executive officer for the zila parishad.[23]

In June 1973, the state government took a decision to bifurcate development administration from the general administration in PR districts[24] The most distinguishing feature of the bifurcated system was the creation of an office of deputy development commissioner-cum-chief executive officer (DDC) of the zila parishad in the senior scale of IAS. He was placed at par with and equivalent to the collector so that officials under him may pay 'undivided attention' to the planning, development, and welfare efforts The government entrusted the same powers, duties and functions to the DDC, as had been vested in the DDC and the collector put together under the provisions of the Bihar Panchayat Samitis and Zila Parishads Act, 1961, and the rules framed thereunder. The DDC was also required by law to function as an *ex officio* secretary of the parishad. He was responsible for the execution of all the rural development schemes, planned, sanctioned, and provided for by the different departments. As a result,

[21]For a similar experience see, Awadhesh Prasad, *The Block Development Officer : A Portrait of Bureaucracy in India*, Patna, Association Book Agency, Chap VII, 1976.

[22]*Ibid*, Chap I

[23]Government of Bihar, Directorate of Panchayati Raj, *Report of the Sub-Committee on Amendment to the Bihar Panchayat Samitis and Zila Parishads Act*, 1961, *and Rules*, Patna, 1973 (Mimeo)

[24]Government of Bihar, Panchayati Raj Directorate, *Circular No.* 4340—G P., dated May 8, 1973, Patna Also see *The Bihar Panchayat Samiti and Zila Parishad (Amendment) Ordinance, 1973*, Government of Bihar, Patna, 1973

under law and under executive instructions, the DDC was expected to function as an executive officer equal to and independent of the collector so far as development functions in the district were concerned The DDC was made overall in-charge of planning, welfare, and development and replaced the collector as a captain of the team of district level officers of different rural departments especially those concerned with development For better coordination, the DDC was empowered to exercise control over the departmental heads of the district, grant casual leave, initiate proposal for transfer and for disciplinary action against them, require submission of reports, returns, and any information regarding the programme of planning, development, and welfare, record annual confidential reports on the work and conduct of each of the district level officers, and inspect any work in progress under the zila parishad Like the collector previously, the DDC was empowered to sanction the tour of the members of the panchayat samitis and their standing committees to attend seminar outside the districts, and control the pramukhs and up-pramukhs of the samiti and members of the parishad

One other distinguishing feature of the reorganised district administration related to the creation of two offices of assistant deputy development commissioner (ADDCs) under the DDC[25] These two officers replaced the DDO in the PR districts. They were of the rank of additional district magistrate. Their main purpose was to assist the DDC in due discharge of his official functions They were assigned areas for intensive and extensive supervision and were allotted work at the district headquarters The BDOs within the district, hitherto functioning under the SDO concerned, were placed under the direct supervision and control of the ADDCs without any direct administrative relations with the SDO concerned

The reorganisation of the district administration created the necessity of coordination between the two officers—the collector and the DDC—of the same rank and status, with overlapping spheres of their duties and functions. Visualising such an exigency, the planners impressed upon these two officers to take resort to mutual consultation when any problem comes in the way of smooth functioning of two sides of the administration. Since both the collector and the DDC had to function under a common coordinator—the divisional commissioner—in case of difference of opinion between them, the work had to be executed according to the decision of the commissioner.

Though a shortlived experiment, the introduction of the dyarchical principle in the district administration was not altogether barren of good results With the creation of a separate hierarchy of administration for rural development, headed by a high powered DDC, the non-official and the

[25]Government of Bihar, Planning and Development Department, *Circular No* 4340—GP, dated May 8, 1973, Patna.

officials of the PRI and the rural people in general found an easy access to the officer in ultimate charge of the development activities in the district. The DDC helped them in solving financial problems and administrative bottlenecks[26] This could be possible because it had been a personal concern on the part of the heads of departments at the state level and the chief secretary and the development commissioner to provide the DDC with all the amenities and perquisites available to the collector so as to establish him as a district officer in full and final charge of development administration Also, it was possible because the DDC's position, status, and powers enabled him to communicate the needs and requirements to, and obtain financial, technical and administrative assistance from, the authorities at the state level. Secondly, in the bifurcated system all the departments concerned with rural development were placed under the PR through the DDC, who could now ensure the needed technical guidance and assistance from the district level officers to the PR bodies Owing partly to the interest and initiative displayed by the DDC in the vigorous implementation of rural development programmes, the technocrats at the district level found it difficult to ignore proper and adequate supervision and guidance of their remotely employed staff in the block.[27] Thirdly, with the creation of a separate hierarchy of administration for rural development, the block organisation alongwith its deliberative wing—the panchayat samiti came to its own. The officials and the non-official institutional leaders of the samiti got access to a high powered development officer in the DDC on whom they relied for removing administrative bottlenecks and solving financial and technical problems Though not still completely relieved of some regulatory duties, the BDO and the members of the block staff for the first time came to realise that their primary concern was rural development programme And, a consciousness on their part that their performance would be assessed on the basis of their achievement in development activities, made a great difference in their approach towards their tasks[28] Fourthly, the resultant defects of a remotely and inadequately supervised administration could be removed to a great extent by chalking out inspection programme for bringing about improvement in work at the block level and by regular attendance of the DDC, alongwith the technical officers, in the meetings of the panchayat samitis Finally, in a short period of time, it has displayed its potentialities to accelerate the pace of rural development The major areas of achievements were execution of a large number of old

[26]Observations here are based on the information furnished in the DDC's *Some Important Aspects of the Scheme of Separation of the Development Administration in the District of Bhagalpur*, Bhagalpur, Office of the Deputy Development Commissioner, 1974 (Mimeo). (Hereafter to be cited as *The Report of the DDC*).

[27]*The Report of the DDC, op cit.*

[28]Post-bifurcation empirical evidences suggested that the frequency of the visit of the officers of technical departments to the blocks had increased.

pending development schemes,[29] improving the system of distribution of improved variety of seeds,[30] fertilisers and agricultural implements, providing timely financial assistance to the farmers, construction of houses for Harijans, opening of feeding centres, raising savings, and launching of integrated area plan, etc.

The reorganisation related to the preparatory phase of active association of the PRIs with developmental activities within their areas. That is to say, the replacement of the collector by the DDC in the field of rural development was intended to prepare ground for ultimate entrusting of these activities to the PRIs

THE TRADITION RESTORED

The initial trends of the working of the bifurcated pattern of district administration were a pointer to its capabilities to speed up the pace of rural development During the emergency and in keeping with its spirit, the state government was directed from time to time to restore the eroding authority of the district officer to ensure his control over the entire activities of the government Accordingly, in the beginning of 1976, the state government decided to restore the pre-eminent and maid-of-all-work position of the district officer and to give up the bifurcated scheme This was reminiscent of the district reorganisation scheme of George Campbell, the Lieutenant Governor of Bengal, who about a century ago sought to vest in the generalist district officer a degree of controlling authority for coordination and unity of action in administration [31]

Although the all-embracing and exclusive nature of the emergency precipitated the restoration of the integrated district officer system, a number of latent factors had far long been persuading the planners to give a second thought to the bifurcated pattern of administration obtaining at the district level The district had been the operational unit and the division an artificial administrative unit of administration. The district officer continued to be the primary field agent enjoying immense prestige as the sole

[29]For example, in the district of Bhagalpur, as many as 3673 old development schemes were pending on April 1973 By February 1974, 1114 old schemes were completed In cases where executing agencies were not amenable to moral persuasion, certificates had been filed in 719 cases and due care was taken to get the new schemes completed according to the time schedule

[30]The DDC took up the construction of 89 houses in *Jayanti* villages of the district of Bhagalpur for the members of the schedule castes engaged in unclean professions See *The Report of the DDC, op cit*

[31]Although George Campbell sought to separate the technical functions of the government from the general functions, he brought all the government agencies functioning in the district under control of the district officer so that the main defects of the Bengal-Bihar pattern of the non-integrated district administration could be remedied See *Report on the Administration of Bengal* 1871-72, Calcutta, Bengal Secretariat Press, 1872, pp 76-79.

representative of the government and its spokesman at the district level. The commissioner was responsible for superintendence and control over the magistracy, police, collector, and other revenue officers but was never a primary field agent. In the post-independence era of planned development, however, the commissioner was vested with power of general superintendence and coordination over development and welfare activities This enabled him to exercise greater direct control and supervision over the field functionaries and to supplement the collector and other district officers at the divisional level[32] The enlargement of the role of divisional commissioner at the cost of the prestige of the district officer made him a representative of the total government at the divisional level which tended further to undermine the established tradition of the district as the primary operational unit of administration.

There was another consideration for restoring the traditional authority of the district officer. It was pleaded that the coordination at the district level had become weak and nominal The creation of the vertical hierarchies by various departmental agencies had left the district officer out of reckoning from various activities pertaining to the respective departments The tendency on the part of these departments had been to process through their respective hierarchies all proposals concerning preparation of schemes, technical sanctions, administrative approval, issue of work orders, finalisation of tenders, etc , without bringing them to the notice of the district officer. Integrationists also cited the recommendations of a number of commissions and committees which had favoured the unitary system at the district level Even though the Administrative Reforms Commission favoured a bifurcated district administration, two of its members in their note of supplement and dissent pleaded for the integrated system[33] The conference of state ministers incharge of backward classes welfare resolved in April 1975 "There may be preferably a single line of authority for implementation from the field level to the state level body with clear responsibility and adequate delegation of powers at different levels This chain of command should be responsible for all aspects of development and regulatory functions The popular participation in decision-making and implementation of the plan may be appropriately built-in at different levels without, however, allowing to dilute the responsibility of the chain of command in the administrative structure" Similar views were expressed by a team of experts constituted by the Ministry of Home Affairs, Government of India to assess the situation in the tribal areas of Chhotanagpur

[32]For a detailed account of the changing role of the divisional commissioner, *see* Government of Bihar, Chief Secretary's Circular No 1/C/-1032/59 A 4154, dated March 23, 1959, Patna and Government of Bihar, Department of Personnel, Rosolution No 21307, dated November 28, 1972, Patna

[33]See *Report of the Administrative Reforms Commission on State Administration,* New Delhi, Government of India, 1969

and Santhal Pargana The team observed. "In case the present scheme of bifurcating the administrative and developmental functions at the district levels is carried through, the unity of command will be lost at the district level."[34]

There were some still weightier considerations which weigh heavily with the government in favour of scrapping the reorganised administrative set-up In the first place, the separation of development functions from the other functions of the district officer and the creation of a separate post of the DDC for development activities resulted in considerable erosion of the authority of the former and weakening him in the discharge of his duties Deprived of the services of a large number of officers in the bifurcated system, the district officer had to face difficulties in deploying adequate number of staff for effective execution of such programmes as control of crime, collection of government dues, procurement of foodgrains, arrangement of public distribution system, and administration of relief measures, etc As he was incapacitated to initiate action on constructive lines in the fields of agriculture, irrigation, electrification, etc, his prestige in enforcing law and order and maintaining authority of the government suffered considerably[35]

Secondly, the scheme of bifurcation also went against the sound principle of decentralisation of powers in two ways In the first place, all the power came to be concentrated at the district level by passing the sub-divisional administrative machinery Moreover, the people residing in remote villages in muffasil sub-division were denied the advantages they were getting by way of prompt redressal of their grievances In the second place, before the bifurcation of the two functions, the DDC functioned as the secretary to the zila parishad and the district officer functioned as the overall authority to coordinate the development activities Thus, the powers of the secretary to the parishad as well as the district officer were concentrated in a single functionary, the DDC

Thirdly, even if the bifurcation was introduced to relieve the district officer of certain functions in view of his pre-occupation with multifarious activities, it was done at a wrong time Consequent upon the bifurcation of the judiciary and executive, the district officer has been relieved of his jurisdiction relating to criminal law administration Furthermore, the creation of new districts has reduced the geographical area of most of the formerly oversized districts and thus enabled the district officers to exercise more intensive supervision over administrative and development activities. Fourthly, the bifurcation created a dyarchy in administration and carried

[34]*Report of the S. Hamidi Committee on Tribal Situation in Bihar*, Government of India, 1975 (Mimeo)

[35]This is not an uncommon experience See, *Report of the Committee on Panchayati Raj Elections*, Government of India, New Delhi, 1965, p 59.

The arguments put forth by the government in retaining the position of pre-eminence and maid-of-all work of the district officer are usual ones. Firstly, the district officer is responsible for maintaining law and order, meeting natural calamities, conducting elections, census operation, collecting loans, etc, which require the services of officers and staff of various departments. It is only by making him overall controlling officer in the district that he can requisition the services of district level officer and those working under the control of the zila parishad and panchayat samitis. Not only this The district officer can initiate disciplinary action against them and, if necessary, order their suspension or recommend such action to the competent authorities Secondly, the district officer is incharge of 20-Point Programme and coordinating and supervisory officer of tribal and Harijan welfare programmes. For purposes of operation of these programmes, the previous position of the district officer as the coordinator and team leader has been retained. And, finally, the government has specially stressed the supremacy of the district officer on the ground that "historically he has been the representative of the government in the district and that the people look up to him for redressal of all their grievances and solution of all their problems".[39]

SUMMING UP

The introduction of the PR warranted the restructuring of the district administration long personified in the district officer. No doubt, the short-lived experiment in bifurcated district administration in the seventies proved beneficial in speeding up the pace of rural development activities as well as decentralised decision-making But imposition of the emergency necessitated the restoration of the traditional pre-eminent position of the district officer on the ground that the bifurcated system did affect the efficiency of the district officer in carrying out the equally important regulatory tasks

The decision of the government to make the zila parishad an executive unit and to entrust all development and welfare activities to PRIs, again necessitated the introduction of unintegrated system of administration in the eighties. But this time the unintegrated pattern has been modified in a manner as to reinforce the traditional role of the district officer. The arguments advanced in favour of integrated pattern during the emergency have been retained in the recent reorganisation of the district administration. Thus, the present district administration is unintegrated in form but integrated in spirit.

It is too early to pass any judgement on the suitability of the reorganised set-up to the needs of development and decentralisation. But

[39]Government of Bihar, Rural Development Department (Panchayati Raj), Chief Secretary's, Letter No 461, dated March 3, 1981, Patna.

experiences suggest that the reorganised system would neither accelerate the pace of rural development nor promote rural democratic institutions The status and prestige, historically associated with the office of the district officer, will tend to overshadow the newly created office of the DDC and will militate against the spirit of reorganisation. In an administrative system like ours, where seniority and superior status in hierarchy count, the reorganised set-up will weaken the administrative leadership of the chief executive officer of the zila parishad [40]

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[40]The Asoka Mehta Committee has aptly observed "Unless the developmental executive is of a sufficiently high rank, it will not be possible to establish the importance that should be given to the field administration as also the elected body' See *Report of the Committee on Panchayati Raj Institutions*, Government of India, Ministry of Agriculture and Irrigation, Department of Rural Development, New Delhi, 1958, p 95

Nepal's District Administration Plan: Promises and Performance

Tulsi Narayan Shrestha

A DISTRICT is defined as a territory marked off for the special administrative purposes[1] and district administration as defined by Khera, is the management of public affairs within a territory marked off for such purposes[2] In the Nepalese context, district administration has been defined as the overall administrative processes and functions undertaken for the maintenance of law and order, for the formulation as well as implementation of the district development plan and for enlisting the local cooperation for the development activities in the district.[3]

District, the territorial base of district administration is the most important of all the units of area administration in Nepal.[4] It is not only the unit for law and order and revenue administration but also a viable level for local planning and implementation. In fact, it is a working complex of coordinated activities of the government, an administrative base for the execution of government policies, plans and order, a platform for performing central and local functions simultaneously and finally a politico-administrative unit It is the vital and basic arch in administrative edifice and is technically the best area for geographical and functional aggregation of units and branches of administration and bears a logical relation to its total area, wealth and population. No wonder, that district administration has always been the focal point of entire administrative system in Nepal.

EFFORTS TO STRENGTHEN DISTRICT ADMINISTRATION

Keeping in view the importance of district administration, in Nepal

[1]*Oxford Concise Dictionary.*

[2]S S. Khera, *District Administration in India,* National Publishing House, New Delhi, 1979, p. 78.

[3]*District Administration Plan,* District Administration Plan Implementation Committee, HMG/Nepal, Kathmandu, 1975, p 2

[4]Besides the district, other units of area administration in Nepal are regions and zones The entire territory of Nepal has been divided into 5 regions, 14 zones and 75 districts.

attempts have been made from time to time to strengthen the administrative system at the district level. Immediately after the overthrow of autocratic Rana rule in 1951, 35 districts of the country were classified into three groups—A, B and C on the basis of their population, revenue and territory and the status of the Bada Hakim, the chief of the district administration was determined accordingly. However, the first popularly elected government installed in power after the first general election held in 1959, abolished this categorisation of districts[5] and all the 35 districts were treated equally without any distinction. To boost up the development activities at the district level, District Development Officers (DDOs) were appointed in all districts.

After the political change of 1960 leading to the emergence of present partyless Panchayat System, several efforts have been made to strengthen district administration In 1962, the entire territory of Nepal was divided into 14 zones and 75 development districts in addition to the then existing 35 administrative districts. However, the Local Administration Act promulgated in 1965 abolished the 35 administrative districts and converted the 75 development districts into administrative districts The new position of Chief District Officer (CDO) replacing the old position of Bada Hakim which was considered as the legacy of the despotic Rana rule at the district level, was created Initially, the CDO had to work in three capacities—the Secretary to the District Panchayat,[6] assistant to the zonal commissioner and representative of central government at the district level Though the designation of the CDO gives the impression of the fact that he is the chief of entire district administration, in reality he was merely the head of development administration at the district level and law and order administration was under the jurisdiction of Special Officer[7]. In other words, the district administration was bifurcated into two components—law and order administration under Special Officer and development administration under the CDO. This model of bifurcated district administration led to mainly two drawbacks which were :

> that there was the feeling of irritation, grumblings and inferiority complex among the CDOs, who were equal to the Special Officer in status, because of the latter's more influence and prestige entailed in their law

[5]Tulsi Narayan Shrestha, *Nepal Administration An Image*, Sajha Prakashan, Kathmandu, 1981, p. 34

[6]Nepal's Panchayat system has three-tiered pyramidical structure of Panchayats—Village and Town Panchayats at the lowest level, District Panchayat at the district level and National Panchayat (Nepalese Parliament) at the national level

[7]The position of Special Officer was created in 1969. Altogether there were 20 special officers and each of them was responsible for maintaining law and order in one or more districts Before 1969, the Assistant Zonal Commissioner had been entrusted the responsibility of maintaining law and order at the district level.

and order authority which is but natural in a traditional society like that of Nepal where power and authority are always worshipped; and that because of the least interest of the Special Officer in the development activities at the district level, the CDO could not effectively mobilise the local people as well as district level development officials for smooth planning and implementing development projects thereby making the district development administration ineffective.

To remove those drawbacks, a new Local Administration Act was promulgated in 1972 which abolished the position of Special Officer, freed the CDO from the position of the Secretary to District Panchayat[8] and entrusted both law and order and development functions to the CDO thereby creating the model of integrated district administration It was the result of the realisation of the fact that law and order and development functions are in fact not dichotomous but complementary and supplementary to each other in the traditional society of Nepal.[9]

INTRODUCTION OF DISTRICT ADMINISTRATION PLAN

In 1975, HMG made another significant attempt to strengthen the district administrative set-up by introducing what is called "District Administration Plan" (DAP).[10] The implementation of this plan marked a landmark in the process of reforming the district administration in Nepal as it made an attempt to bring solid changes in the district administrative machinery Now attempt will be made to discuss the promises and performance of DAP.

Promises of DAP

Since DAP envisaged some concrete change in district administration for strengthening it, it made several promises which are :

Creation of integrated district administrative system,
Expansion of the role of District Panchayat,
Clear-cut demarcation of the functional jurisdiction of the Zonal Commissioner[11] and CDO,
Creation of integrated village level administrative system, and
Removal of some weaknesses of district personnel system

[8]Panchayat and Development Officer (PDO), a gazetted class III officer was made the Secretary to District Panchayat

[9]Tulsi Narayan Shrestha, "Local Development Officer· Some Lurking Pitfalls", *The Motherland*, (English daily), Kathmandu, March 11, 1981.

[10]See, for details, *District Administration Plans, op cit*

[11]Zonal Commissioner nominated by His Majesty the King is the head of zonal administration.

Creation of integrated district administrative system : After the collapse of autocratic Rana regime in 1951 and specially after the introduction of Panchayat System in 1960, there has been the mushroom growth of numerous offices dealing with development activities at the district level thereby increasing the complexities and confusion and creating the acute need for coordination in district administrative mechinery During the days of Bada Hakim system, the people for any action used to contact Bada Hakim as he was the overall coordinator of the district administration And as a contact point he was quite visible for the common mass But with the growth of numerous offices[12] the people have to be puzzled as to which office deals which work and for them the contact point has become bluried. Moreover, there was also vague relationship between the District Panchayat and the CDO on the one hand and the CDO and other district level officials on the other hand Though the CDO has to work as the Chief Executive Officer of the District Panchayat, it was not clear as to what action the latter could take if the former does not implement its decision and as such there was much scope for the possibility of conflict between the two Similarly, though CDO is supposed to be the chief of district administration, it was not clear as to how far he will have administrative control over the district level officials In fact, the CDO used to be considered as the chief of merely his own office not the entire district administration. Hence he was merely the nominal head of district administration. Such situation led to the constant mental distance between the CDO and other district level officials, who used to consider themselves as independent of the CDO's administiative umbrella This made CDO's role vague in the district administration There was also the flexibility and diversity in the quantum of the authorities delegated by different central level ministries and departments Sometimes some powers were delegated to the CDO and at another time they were again withdrawn [13] Hence the relationship between the CDO and other district level officials depended largely upon their unofficial personal contact and collaboration rather than fixed official norm and relationship For removing these constraints integrated district administration under the overall coordination and leadership of the CDO was considerd as panacea For this purpose, for the first

[12]The district level offices can be grouped into three categories.

(i) District Panchayat Secretariat,
(ii) CDO's office, and
(iii) Other district level offices dealing with revenue, agriculture, education, health, forest, communication, land, etc

[13]Tulsi Narayan Shrestha, *et al*, *Zilla Prasasan Yojana*, Ko Saidhantik Yabam Byabaharik Pachyako Adhyayan (A Study of the Theoretical and Practical Aspects of District Administration Plan) (Cyclostyled), Central Panchayat Training Institute, Lalitpur, Nepal, 1977, p. 9.

time as stated above, the concept of district administration in Nepalese context has been clearly defined by DAP. Provision was also made to create new office—'District Office' integrating all the district level development offices of HMG under the overall leadership of CDO. Thus DAP promised to create integrated administrative system at district level.

Expansion of role of District Panchayat : Though district panchayat is considered as a local government institution which is supposed to gear up the district development activities, in reality before the introduction of DAP it used to be involved only in two types of minor development projects : (*i*) those projects implemented with its own resources, and (*ii*) those projects implemented with the grant-in-aid given by the central government In the case of first type of projects, its output was not so much effective because of the lack of adequate resources while in case of second type of projects it did nothing except distributing the grant-in-aid among the different village panchayats In case of other district development projects of HMG, its role was almost negligible Hence there was the need for expansion of the role of District Panchayat in the district development activities and as such DAP made promise for the formulation of annual district development plan in four phases In the first phase, the objectives, policies and priorities of the District Development Plan (DDP) is to be determined by Regional Development Centre and they are to be informed to the CDO The CDO on the other hand has to let know the District Panchayat Chairman and other district level officials about those objectives, policies and priorities through the PDO. Sectoral programmes are to be formulated by the concerned district level offices and District Panchayat and they are to be discussed in coordination committees for the purpose of programme linkages and coordination.

In the second phase, the Regional Development Centre has to inform about the amount of fund allocated by HMG to the District Panchyat and district level offices through the CDO. Then the PDO has to integrate the programmes and budget under the supervision and guidance of the CDO

In the third phase, with the CDO's recommendation, the PDO has to submit the DDP in the meeting of District Panchayat. One copy of the DDP is to be sent to the Regional Development Centre with the decision of the District Panchayat.

In the last phase, with the assent of District Panchayat, the DDP is to be submitted to District Assembly In case of the programmes to be implemented by district level HMG offices, District Assembly's decision will be just recommendatory and ultimate decision will be taken by HMG However, in case of the District Panchayat Programmes, the decision of the District Assembly will be final. Once District Assembly passes the DDP, it is to be forwarded to concerned offices for implementation under CDO's direction and supervision.

Demarcation of functional jurisdiction o zonal commissioner and CDO: Before the introduction of DAP, the relationship between the CDO and Zonal Commissioner was vague. If Zonal Commissioner is the chief administrator of the zone consisting of a group of district, the CDO is supposed to work as the chief of the district administration. But both Zonal Commissioner and CDO had been given more or less similar types of powers and functions specially in the area of law and order administration at the zonal and district levels respectively Since a zone is nothing but a gamut of few districts, there was functional duplications between the two leading sometimes even to clash and conflict[14] To remove such situation, DAP made provision that the power under Public Security Act[15] is to be exercised by CDO not directly under the Act itself but only as delegated by the Zonal Commissioner Whenever CDO takes action under such delegated authority, he has to report the Zonal Commissioner about the same The Zonal Commissioner also has to give necessary directions from time to time to the CDO.

The CDO has to contact Home Ministry only through the Zonal Commissioner. However, in case of emergency, the CDO may contact Home Ministry directly, but a copy of his letter is to be compulsorily sent to the Zonal Commissioner. The Zonal Commissioner on the other hand is supposed not to interfere in the CDO's day-to-day law and order administration in district. Thus the DAP tried to make the relationship of CDO and Zonal Commissioner clear in the field of law and order administration

Creation of integrated village level administrative system: At the village level, the Village Panchayat is considered as the administrative unit for the formulation, implementation and evaluation of the village level development projects. But these projects often suffer from the lack of technical guidance and support from the district level offices concerned Moreover different central level ministries and departments have their own village level units having merely loose link with the village panchayat In other words, village level administrative apparatus fragmented into different fractions needed the integrated administrative set-up. Hence DAP made provision for the appointment of trained Multipurpose Development Worker and Village Panchayat Secretaries (henceforth referred to simply as MPWs) in all the Village Panchayats[16] within five

[14]See, for details about such conflicting situation, Tulsi Narayan Shrestha, *Nepalese Administration An Image, op cit*, p 113

[15]Under the Public Security Act, the law and order authorities like the Zonal Commissioner and CDO can take action against any one whose activities in their opinion constitute a threat either to the security of the kingdom of Nepal or to the maintenance of internal security or to the existing cordial relation between the kingdom of Nepal and any other foreign country or to the harmony existing between different communities See, for details, *op cit*, pp 102-103.

[16]Nepal has altogether about 4000 Village Panchayats

years. All the village level agencies are to work under the leadership of MPWs.

The MPW has to work in two capacities—as Secretary to the Village Panchayat and as Multipurpose Development Worker. As Village Panchayat Secretary he has to work as the Chief Administrator of Village Panchayat executing its decision As Multi-Purpose Development Worker he has to formulate, implement and evaluate the village level development programme, has to provide leadership to village level agencies of HMG, has to coordinate their programmes and has to work as the link between the villagers and HMG. Moreover the district level development offices of HMG are to provide necessary technical guidance to the village panchayats.

DAP also made provision that for the sake of economy, the number of village level agencies of HMG's different ministries and departments are to be reduced to one for 3 to 5 village panchayats in case of hill region and 7 to 10 village panchayats in case of Tarai region.[17]

Removal of weaknesses of district personnel system: The personnel administrative system of the district level officials specially the CDO and the PDOs has some weaknesses The appointment and transfer of the CDOs and PDOs had to be done under the situation of pressures, pulls and influence instead of taking into consideration their background, interest and aptitude Besides this, there was neither proper training system nor any career development scheme for the field officials like the CDOs and PDOs Hence the need for strengthening the personnel administrative system for the field officials working in the district For this purpose the DAP stipulated that the PDOs, are to be selected from among the freshly recruited gazetted class III civil servants taking into consideration their aptitude, interest and background.

The PDOs are to be promoted to CDO and Zonal Commissioner. Those CDOs working successfully for 7 years are to be given opportunity for transfer to foreign service as an incentive Similarly provision also was made to provide a cash award of Rs. 10,000 to those CDOs, PDOs and MPWs who have worked laboriously and successfully.

Systematic training is to be provided for the CDOs, PDOs and MPWs. For this purpose, a training committee consisting of three members—chief, training division, Administrative Management Department (now Ministry of General Administration), training chief of Home Panchayat Ministry and Executive Director of Centre for Economic Development and Administration (CEDA) has to be formed

Such are the promises made by DAP for strengthening Nepal's district administrative machinery Now attempt will be made to make the diagnosis of its performances.

[17]District Administration Plan, *op. cit.*, p. 32.

Performances of DAP

The performances of DAP can be explained and discussed on the basis of the following points:

Creation of DAP Implementation Committee.
Creation of District Office.
Delegation of powers and authorities
Demarcation of functional jurisdiction of CDO and Zonal Commissioner.
Formulation of annual district development plan.
Arrangement of training programmes
Career development scheme
Appointment of MPWs.

Creation of DAP implementation committee · For the successful implementation of DAP, HMG created a central level District Administration Plan Implementation Committee as the DAP implementing machinery under the chairmanship of the then home panchayat minister. A Joint Secretary of Ministry of Home Panchayat was designated as its member-secretary. The other members were :

The Secretary, Administrative Management Department (now Ministry of General Administration),
Secretaries of the development ministries, and
Vice-chairman, National Planning Commission or his representative.

This committee was entrusted the responsibility of implementing DAP. Specifically, some of it major functions were :

to take initiative for the amendment of acts and rules concerned in accordance with the spirit of DAP,
to arrange for the timely posting of the district level officials,
to prepare the description of authorities and responsibilities to be delegated to the district level offices,
to quicken the disbursement of budget to the district level offices,
to help for the selection of appropriate officials for the posts of CDOs and PDOs in accordance with the spirit of DAP;
to arrange the training programme for the CDOs, PDOs, district level development officials, accountants, technical personnel, MPWs and health workers,
to interpret provisions of DAP and solve the problems that may arise in the process of its implementation,
to prepare the layout plan for district offices and allocate the space for each district office;
to prepare the district office manual covering working procedure,

accounting system, confidential reports of the employees, powers, functions and authorities of CDO, etc ; and

to make periodical evaluation of implementation of DAP and provide necessary suggestions for improvement in it.[18]

Undoubtedly, the creation of DAP implementing committee was a green signal for well intended objective of HMG to implement DAP effectively. Nevertheless, it could not function effectively mainly because of two reasons Firstly, the committee constituted under the chairmanship of Home Panchayat Minister was affiliated with the then Home Panchayat Ministry Hence other development ministries considered the implementation of DAP as the responsibility of only Home Panchayat Ministry and not their own and as such the committee could not get their active help and willing support. Secondly, in the formulation of the DAP[19] different ministries and departments were not actively involved and when their help was sought at the stage of its implementation, they naturally turned a deaf ear. Thirdly, the committee did not have any detailed programme for implementing DAP. As the result of it, it functioned only on its *ad hoc* decisions which were not considered by other ministries and departments concerned as binding upon them. Moreover, the lack of implementing programme made it difficult to formulate its strategy for its implementation All such drawbacks made the committee unable to discharge its responsibilities and functions effectively, thereby making it difficult for the successful implementation of DAP. With the exception of a minor amendment in Local Administration Act, 1972,[20] no other act or rule was amended in keeping with the spirit of DAP.

Creation of district office · In accordance with the main spirit of DAP, HMG created a new office called 'district office' in each district by integrating different district level development offices.[21] All those district level offices have been converted into different sections of 'District Office' under the leadership of CDO. However, the district offices relating to judicial affairs, revenue, communication, defence, police and civil aviation have been given separate identity keeping in view the importance of their functional autonomy.[22]

[18]Tulsi Narayan Shrestha, *et al, A Study of Theoretical and Practical Aspects of District Administration Plan, op cit*, pp 19-20.

[19]DAP was drafted and prepared by Janch-Bujha Kendra, a think-tank affiliated with the Royal Palace Secretariat

[20]See, *Nepal Gazette*, Vol 20, additional issue No. 12+Nya, Srawan 28, 2033 VS (1976)

[21]These offices were District Agriculture Office, District Cooperative Office, District Cottage Industry Office, District Public Works Office, District Veterinary Office, District Land Administration and Land Reform Office, District Forest Office, District Education Office District level Drinking Water and Sewerage Project Office and District Health Office

SOURCE *Nepal Gazette*, Vol 3, Kartik 9, 2033 V S (1976)

[22]*District Administration* Plan, *op. cit.*, p. 4.

Though district level offices have been formally integrated with what is called 'district office', practically speaking nothing solid change could be visible except the change in their respective signboard in the sense that formally each office had a signboard, with name as District Education Office, District Agriculture Office, etc., and after the introduction of DAP each of them has the signboard with the name as section of district office such as Education Section of District Office, Agriculture Section of District Office, etc. Functionally and administratively, they still work as much independently as before without any effective supervision, guidance and direction of CDO

Delegation of powers and authorities : In order to enable the CDO to play the role of the captain of the team of district level officials, different central ministries and departments undoubtedly delegated some powers and authorities to the CDOs relating to several matters—sanctioning of casual leave and home leave, sending the employees of district office on deputation, office inspection, financial matters, formulation, implementation and evaluation of development programme, etc.[23] However from operational point of view there are a lot of variations in the magnitude and quantum of such powers and authorities delegated by different ministries and departments

While the panchayat ministry and land department delegated authority to send the district level officials on deputation unconditionally to the CDO, the department of cottage and village industry delegated such authority to the CDO only on the condition that he could send the officials of district level cottage industry office merely in connection of the implementation of district level cottage industry programme. On the other hand the Ministry of Works and Transport and other several ministries and departments did not even delegated such authorities to the CDO Same was the case in other areas of delegated authorities and powers of the CDO[24] As the result of it, a uniform norm of the relationship between the CDO and other district level officials could not be developed which made the former difficult to play the role of an effective coordinator and captain of the team of district level officials as envisaged in DAP

Demarcation of functional jurisdiction of CDO and zonal commissioner: In accordance with the spirit of DAP, a minor amendment was made in Local Administration Act in 2033 v.s (1976). Accordingly, the responsibility to maintain law and order at the district level by controlling the mob creating disturbances has been vested exclusively to the CDO But this change has merely a negligible impact in the functional relationship between the CDO and Zonal Commissioner In the law and order

[23]See, for details, Tulsi Narayan Shrestha, *et al*, *A Study of Theoretical and Practical Aspect of District Administration Plan, op cit*, pp 22-43

[24]See, for details, *A Study of Theoretical and Practical Aspect of District Administration Plan*, pp. 22-43.

administration, the duplications in their functional jurisdiction creating confusion and complications are still persisting as before. The authority under the Public Security Act is still enjoyed by the CDO as before directly under the Act rather than under the authority delegated by the Zonal Commissioner as envisaged in DAP. The CDO also regularly contacts Home Panchayat Ministry (now Home Ministry) directly as before.

Formulation of annual district development plan . No doubt, as envisaged by the DAP, five coordination committees—Agriculture Coordination Committee, Public Works Coordination Committee, Industry and Forest Coordination Committee, Health Coordination Committee and Education Coordination Committee,[25] consisting of the officials and people's representatives have been formed to widen the role of district panchayat in the formulation, implementation and evaluation of the annual district development plan, to reflect the needs and aspirations of the local people in such plan and to coordinate various development projects by removing contradictions and duplications In practice, these committees have not become effective simply because of the fact :

that the meeting of the coordination committees are not held regularly;
that the decisions are made generally according to the wishes and opinions of the district level officials, who being the elite of the society are in better position to dominate the local elected representatives thereby making the committees merely their rubber stamp; and
that the annual district development plan is seldom presented in integrated form

Besides the ineffectiveness of the coordination committees, as the regional development centre is still in embroynic stage, it has not been yet able to provide the information about the objectives and priorities of district development plan and allocation of funds for it to the district office. The process of disbursement of fund for the development programme is still slow and cumbersome. As the result of all these drawbacks, to a large extent, the formulation of annual district development plan in integrated form with the reflection of local people's desire and needs as envisaged by DAP has still remained merely a wishful thinking. The district level plans and programmes are still formulated and implemented at the whims and direction of bureaucrats rather than at the initiative and involvement of people's representatives

Arrangement of training programmes · As provided in DAP, training committee consisting of the chief, Training Division, Administrative Management Department (now Ministry of General Administration), training chief, Home Panchayat Ministry, chief, Centre for Economic Development

[25]See, for details Annexure I.

and Administration (CEDA) has been formed. The chief of the training division of the Administrative Management Department has been designated as the coordinator of this committee A few training programmes have already been organised for the CDOs under the auspices of CEDA and panchayat development training centre, Janakpur (Southern Nepal).[26] Similarly some groups of MPWs have been trained in different panchayat development and training centres The training programmes of six months' duration are still being organised in those training centres [27] Nevertheless, neither any special training programme in the context of DAP has been organised for other district level officials like district education officer, district agriculture officer, etc , nor any orientation programme has been organised for the central level officials After a long gap only recently CDOs training programme has been again organised by Nepal administrative staff college (NASC), a newly established training institute.[28]

Career development . The career development scheme for the district level officials specially the CDOs and PDOs as envisaged in DAP has not yet been implemented Still now the CDOs and PDOs are generally selected arbitrarily without taking into consideration their interest, aptitude and background Moreover the tradition as envisaged by DAP to promote the PDOs to the post of CDOs and the CDOs to the post of Zonal Commissioner has not yet been established. Up till now only one CDO has been appointed as Zonal Commissioner in Koshi zone of eastern Nepal only for a brief period of one year. Similarly, neither a single CDO has been transferred to the Foreign Service as incentive nor any cash award has been awarded to any district level official as provided in DAP In fact, the Foreign Ministry by amending the foreign service rule has barred those civil servants above the age of 35 to get transfer to foreign service thereby making it difficult to implement the DAP provision of transferring successful CDO to its service

Appointment of MPWs : As stated above DAP made a provision that within five years of its implementation, trained MPWs would be appointed in all the village panchayats of the kingdom But by 1977 only 1327 village panchayats had been able to have the services of trained MPWs Still now several hundred village panchayats are waiting for such MPWs Though as chief administrator of village panchayat, the MPWs have been to a large extent successful, they have not been equally successful as multipurpose development worker They have worked neither as the coordinator of village level projects nor as the link between HMG and villagers

[26]See, Dwarika Nath Dhungel, "Training of Chief District Officers An Observation", *Panchayat Darpan*, Vol 6, No 18, 2033 VS (1976), pp 12-33.

[27]See, for details, Tulsi Narayan Shrestha, *A Study of Panchayat Training in Nepal*, Training Materials Production Centre, (Jawalakhel, Lalitpur, Nepal, 2nd ed , 1982)

[28]See, about this training programme, Tulsi Narayan Shrestha, 'CDOs' Training Programme Some Highlights", *The Rising Nepal*, (English daily) February 7, 1983.

nor has been able to receive adequate guidance and technical support from the different district level development offices of HMG. As planner, implementor and evaluator of village level development projects, their performance is far from satisfactory.[29]

The above discussions make it clear that to a large extent the performance of DAP has not been satisfactory. Its promises have still remained largely in black and white only and not in practice. In other words, the exercises done so far for converting DAP promises into reality have proved to be only futile ones Though officially DAP has not been withdrawn, nobody knows at what stage are its performances. What are the reasons for such situation ? What are the drawbacks that have become the stumbling blocks for changing its promises into effective realities ? Some of such major drawbacks that can be identified are :

No strong determination and commitment;
Feeling of departmentalism:
Lack of follow-up system; and
Miscellaneous.

Lack of determination and commitment : The implementation of any plan depends largely upon the strong determination and commitment of the bureaucrats in general and the political masters in particular. Any best plan may turn into merely wishful thinking if its implementation is not backed by the strong commitment and determination of the political masters and bureaucrats. In case of DAP too, the strong determination and commitment on the part of bureaucrats in general and the political masters in particular for its implementation has not been found. The lack of its implementing programme itself is most probably due to the lack of such strong commitment and determination.

Moreover, the introduction of DAP undoubtedly has brought certain changes in the attitude of district level officials towards the position of CDO. Unlike in the past because of the apparent integration of the district level offices into district office under the leadership of CDO, the district level officials have started considering him as their captain and chief of entire district administration. In other words, the district level officials at least mentally have started coming closer to the CDO's administrative umbrella thereby helping to bridge the gap between the two. This is the only single tangible output of DAP. But in 1981 HMG again made some changes by creating a new gazetted class II position of Local Development Officer (LDO). The LDO, enjoying equal status with the CDO, is supposed to work as the secretary to district panchayat and as the chief

[29]See, for details, Tulsi Narayan Shrestha, *A Study of Panchayat Training in Nepal*, *op. cit.*

of the district development administration by providing administrative leadership to district level development officials thereby limiting CDO's functional jurisdiction largely over the law and order administration. The LDO is supposed to shoulder the responsibility of formulating, implementing and reviewing the development programmes at district level. The recent enactment of the new Decentralisation Act has given legal sanction to all those responsibilities of the LDO. Besides, according to this Act, all development offices of the districts are to be converted into different sections of the District Panchayat Secretariat[30] Hence this Act has again introduced a bifurcated model of district administration by making LDO and CDO responsible for development and law and order administration respectively in contradiction to the basic objective of the DAP itself.[31] This change is not for improvement over DAP but for its replacement itself. In fact, the present LDO and CDO are more or less like the CDOs and special officer respectively under the bifurcated model of district administration that existed from 1965 to 1972. This change is nothing but the sign of the lack of determination and commitment towards DAP on the part of the policy makers. Such vacillating policy is in fact the root cause of the failure in the exercise of DAP.

Departmentalism : In the world of Nepalese bureaucracy, the feeling of departmentalism has strong hold and grip which could not be loosened in the process of the implementation of DAP. The basic reasons for the persistence of this feeling of departmentalism in the context of implementation of DAP promises are mainly three. Firstly, as stated above the concerned ministries and departments had not been actively involved in the process of the formulation of DAP thereby making them reluctant to cooperate for its implementation. Secondly, adequate orientation programmes had not been organised for the officials of the concerned ministries and departments resulting in the lack of their realisation about the importance of the goals and objectives of DAP. Thirdly, as stated above the formation of the DAP implementing committee under the chairmanship of Home Panchayat Minister and under the administrative umbrella of the Home Panchayat Ministry itself helped other ministries and departments concerned to be far from cooperative attitude for the implementation of DAP. Such persistence of the feeling of departmentalism led to the lack of coordination and cooperation among ministries and departments concerned. Even the two regional development offices under the same ministry delegated powers and authorities to the CDO in different styles.[32] This is

[30]Decentralization Act, *Nepal Gazette*, Vol 32, additional issue No. 36, Marga 6, 2039 VS (1982).

[31]Tulsi Narayan Shrestha, "District Administration: Search for a Viable Model", *The Rising Nepal* (English daily), March 9, 1983.

[32]Regional Agriculture Offices of Central Development Region, Kathmandu and Mid Far Western Development Region of Surkhet delegated the authority to the CDOs to sanction the home leave of 7 and 30 days respectively.

the convincing illustration of the lack of uniformity of approach in the process of implementing DAP Similarly, though the DAP has made provision for the reduction of the number of different departmental agencies working at the village level at the ratio of one for 3 to 5 village panchayats in case of hill area and 7 to 10 village panchayats in case of Tarai area, after the appointment of trained MPWs, not a single department or ministry has yet taken step to reduce the number of its village level agencies. This is another clear illustration of the non-cooperative departmental attitude towards the implementation of DAP.

Inadequate follow-up : After the introduction of DAP, no effort has been made to make regular follow-up and supervision about the performance of DAP. Though DAP had been officially introduced about 7 years back, neither a single evaluation study on its implementation has been officially done[33] nor any mechanism for regular and constant supervision and follow-up system has been developed Such lack of follow-up system made the concerned decision-makers ignorant of the stage of performances of DAP and the scope for its improvement.

Miscellaneous : The miscellaneous drawbacks that blocked the smooth implementation of DAP are :

the persistence of status consciousness among the district level officials thereby making the CDO unable to bring them under his administrative umbrella as most of them are either equal to him in status or also sometimes are senior to him; and

that the lack of adequate and trained manpower in the CDO office amalgamated with district office, the vague central directions, scattered district level office buildings affecting adversely the efforts to coordinate the activities of district level offices, made the CDO unable to exercise effectively those powers and authorities delegated to him by different ministries and departments under DAP.

SUM UP

To sum up, the District Administration Plan (DAP) in principle is one of the best plans ever produced by the Nepalese policy makers for reforming and strengthening Nepal's district administrative system. It is the first document which crystallised the concept of district administration in Nepal. Had it been implemented well, undoubtedly the district administrative apparatus would have been much refined, stronger, efficient and

[33]One study had been conducted by the author in collaboration with some of his colleagues in 1977 at their own personal initiative and interest. See, for details about this evaluation report, Tulsi Narayan Shrestha, *et al*, *A Study of Theoretical and Practical Aspects of District Administration Plan*, *op cit*

development-oriented. But like several other plans, it also experienced the gap between its promises and performances Though it has not been withdrawn officially, practically its promises have remained not only unfulfilled but also contradicted by the recent innovation of the position of LDO who is destined to be the counterpart of CDO, whose leadership is supposed to integrate district administration under it. The major stumbling blocks responsible for the abortive end of the promises of DAP are: the lack of strong determination and commitment at bureaucratic level and specially at the political level, feeling of departmentalism, lack of follow-up system, and some miscellaneous factors—status consciousness, vague directions and guidance from central level authorities, scattered district level office buildings, etc. In spite of the unfulfilment of the promises of DAP, its exercise is not totally fruitless in the sense that it provides a lot of lessons—need for determination and commitment, need to have coordinated approach, need to have implementing programme for any plan, need to have constant supervision and follow-up system, etc — to the Nepalese policy makers for similar efforts in future However, it is up to them to take benefits out of those lessons

Annexure I

COORDINATION COMMITTEES

Agricultural Coordination Committee

(*a*)	District Panchayat Chairman or a member of District Panchayat nominated by him	*Chairman*
(*b*)	Panchayat and Development Officer . ..	*Member*
(*c*)	Chairman, District Level Peasants' Organisation .	*Member*
(*d*)	District Agriculture Development Officer	*Member*
(*e*)	Chief, District Level Agricultural Bank	*Member*

Public Works Coordination Committee

(*a*)	District Panchayat Chairman or a member of District Panchayat nominated by him	*Chairman*
(*b*)	Panchayat and Development Officer . ..	*Member*
(*c*)	Chairman, District Level Youth Organisation	*Member*
(*d*)	Chairman, District Level Ex-Service men Organisation	*Member*
(*e*)	District Public Works Officer	*Member*

Industry and Forest Coordination Committee

(*a*)	District Panchayat Chairman or a member of District Panchayat nominated by him	*Chairman*
(*b*)	Panchayat and Development Officer	*Member*
(*c*)	Chairman, District Level Women's Organisation ..	*Member*
(*d*)	District Forest Officer	*Member*

Health Coordination Committee

(*a*)	District Panchayat Chairman or a member of District Panchayat nominated by him	*Chairman*
(*b*)	Panchayat and Development Officer . ..	*Member*
(*c*)	Chairman, District Level Women's Organisation ..	*Member*
(*d*)	District Health Officer	*Member*

Education Coordination Committee

(*a*)	District Panchayat Chairman	*Chairman*
(*b*)	Panchayat and Development Officer . ..	*Vice-Chairman*
(*c*)	District Education Officer . . .	*Member*
(*d*)	A University Teacher nominated by Tribhuvan University and in case of District without Campus (College) a person nominated by Regional Education Directorate	*Member*
(*e*)	A Local School Teacher nominated by the District Education Officer	*Member*
(*f*)	A local graduate nominated by Zonal Commissioner ..	*Member*
(*g*)	Two local reputed persons nominated by Zonal Commissioner	*Member*

NOTE: The district level officer concerned with the functions of the Coordination Committee will have to work as member-secretary.

SOURCE: (*i*) District Administration Plan, *op cit*, pp 21-22
(*ii*) *Nepal Gazette*, Vol. 21, additional issue no 38 (kha), Kartik 15,2028 (1972).

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Emerging Role of Women in Law Enforcement— A Study of Women Police, with Special Reference to Andhra Pradesh

Shamim Aleem

THE SUCCESS of the government is judged, not by the lengthy list of laws enacted by its legislature but by the effectiveness with which these are enforced. The law enforcement agencies in India are provided with a strong base, both by the constitution and the statutes However, their involvement in law enforcement is often encountered with complicated problems, resulting in far-reaching socio-economic repercussions One such problem is the alarming increase in the number of women and children as either criminals, suspects, witnesses or victims of crimes To deal effectively with these groups, the personnel of law enforcement agencies are not only to have knowledge of laws, rules and regulations but also patience, sympathetic attitude, deep insight into the problems, and delicate handling of the issues It is generally believed that women surpass men in these qualities and hence the need of women police in the law enforcement mechanism.

The need for women police is to be looked at, not from the viewpoint of equality of the two sexes, but from the management point of view The advancement in the fields of science and technology has compelled the management to introduce new concepts, policies and procedures A growing trend in the field of management everywhere is the increasing involvement of specialists or professionals in administration The term professional is used here not in the traditional sense, but in the context in which Fulton has used it in his report [1]

NOTE: The scope of this paper does not include those IPS lady officers, who have joined the service through the open competitive examination along with their male counterparts because they are considered unisex, treated on an equal footing with the male members. The term women police applies only to those women who are taken into the police service on the basis of their feminine characteristics as women, to constitute the special wing of women police

1 "... having the fundamental knowledge of and deep familiarity with a subject that enables a man to move with ease among its concepts ... The work of government demands these qualities not only in the members of generally recognised professionals but at all levels and in all parts of the service" *The Civil Service*, Vol. I, Report of the Committee 1966-68 (Chairman: Lord Fulton) para 32, p. 16.

The police service is neither completely specialist nor generalist. Recruited on the basis of general liberal educational qualifications, it constitutes generalist service. But after entry into the service, by acquiring special skill and knowledge, it turns into a specialist one. Again, in the police service itself, there is further specialisation based either on the functions, such as intelligence, criminal investigations and traffic or clientele, as women police This highlights the growing demand to provide more and more intensive knowledge and skill to the personnel working in their particular areas of specialisations.

HISTORICAL BACKGROUND OF WOMEN POLICE

It was not only in the tradition bound society of India where the entry of women into police service was resisted. Women all over the world had to struggle hard to get entry into police service, which was otherwise exclusive domain of the male members.

The United States had the honour of being the first country of giving appointment to a police woman—the widow of an officer—in 1893 in Chicago.[2] Prior to this, in 1845, a few matrons were appointed in the police department, but technically they could not be termed as women police. It took a long time for the American women to gain the present equality of opportunities in matters of entry to the police service Today, services of women police are used not only where the clientele are mostly women and children, but there is also a trend to integrate women into all spheres of law enforcement work, even patrol operations At present, there are 3,700 women police in the United States of America.[3]

In Great Britain, it was the World War I which provided the impetus to the entry of women into police service It was only in 1916, that the women were employed in the police service for the first time Prior to this, they also had matrons like United States [4]

By 1930, most of the European countries had women in their police force However, they had no easy sailing They had to fight a grim battle against the negative attitudes of the male police officers, who were considered natural incumbents of the law enforcement agency.[5]

However, after World War II, due to a number of factors, participation of women in socio-economic and political activities has increased everywhere This, in turn, has led to an alarming increase in the number of cases of law and order, involving fair sex It has been aptly demonstrated all over

[2]J.L. Sullivan, *Introduction to Police Service*, London, McGraw Hill Book Co , 1977, p. 99.

[3]*Ibid.*

[4]*Ibid*

[5]A Mahajan, *Indian Police Women*, New Delhi, Deep and Deep Publications, 1982, p 36.

the world, that women police is in a better position to deal with such cases where women and children are involved Today the women police has become an integral part of the police organisation in a large number of countries In 1977, the UN General Assembly, adopted the Interpols' 1977-78 programme of activities which included a survey of the status and functions of women police officers [6] This is only an indication of the fact that women police has come to stay

WOMEN POLICE IN INDIA

The origin of the institution of women police in India can be traced back to the labour strike in Kanpur in 1938,[7] in which a number of women labourers participated As the strike intensified, the male police officers found it very difficult to lift physically the women agitators This led to the entry of women into police service Before independence, the presence of women in police was very negligible It was only when the country faced the multi-dimensional problems of law and order—mainly due to the partition of the country leading to unprecedented communal riots, resulting in breaking of families and outraging the modesty of women on a mass scale—which led to the urgent need of having women police Punjab and Delhi provided the lead in appointing women police in 1948[8] followed by many other states in India With the declaration of 1975, as the International Women's Liberation Year, almost all the states in India had women in the police service, with Maharashtra topping the list of employing 409 women in police service [9] Kerala,[10] Tamil Nadu and Andhra Pradesh[11] have the distinction of having the police stations exclusively manned (or womanned) by the fair sex Thus, our society bound by the conservative tradition took a long time to accept the idea of women joining police service Even today, the women police, specially at the lower levels is looked at with disrespect and suspicion by many This is partly due to an erroneous thinking on the part of those who identify the police with the physical force only They do not seem to have a true and comprehensive picture of the multi-dimensional role of the police in the present context Therefore, the misconception is the result of their half knowledge

Today, the police is not only a force but also a service and a very important one, to the society as a whole It is, in fact, overburdened with multi-

[6]A Mahajan, *Indian Police Women, op cit*, p 37

[7]S K Ghosh, *Women in Policing*, 1981, p 92

[8]A Mahajan, *op cit*, p 41

[9]S V Rao, *Bureau of Police Research and Development*, Government of India, Ministry of Home Affairs, New Delhi

[10]The first all women police station was inaugurated by the Prime Minister in Kerala in 1973

[11]The two women police stations in the twin cities of Hyderabad and Secunderabad were set up in September 1980.

farious responsibilities. The functions which a policeman is expected to perform in India today, hardly have a parallel elsewhere. He is not only supposed to maintain law and order in the society and provide protection to the life and property of the individuals, but is also expected to be an instrument of social reforms by assisting the government in the implementation of various social legislations. He is to keep the balance of power between the landlords and the tenants, between the management and the employees There is no place and perhaps no occasion where he is not wanted, be it a funeral or marriage party, a political or a religious procession, a running bus or a train, a queue at the picture house or at a ration shop, everywhere he is needed badly.

An analysis of crime situation in the country reveals that there is a rapid increase in the number of crime cases specially in the socio-economic field, in which a large number of women are involved, both as criminals and as victims of crimes In spite of so many protections provided by law, the women remain unprotected not only by the law breakers but also by the so-called law protectors, *viz.*, the policemen There has been an alarming increase in the number of cases of molestation of women day in and day out.[12] The cases of mass rape by the policemen have hit the headlines of newspaper many a time.[13] While crime against women continues unabated there is also continuous increase in the number of women criminals, both in urban and rural areas, right from Phoolan Devi down to the women on the street. Table 1 indicates the increase in the number of women criminals/suspects.

TABLE 1 YEARWISE INCREASE IN NUMBER OF WOMEN CRIMINALS/SUSPECTS

Nature of crime	*Year*	*Number of cases reported*
Girls apprehended by the police	1960	2,383
	1970	4,228
Women convicts	1961	11,000
	1969	13,471
Women undertrials	1961	12,158
	1969	20,220

SOURCE. Based on statistics provided by S V. Rao, 1975.

[12](*i*) The rape cases reported to the police in Andhra Pradesh were: 189 in 1980 and 171 in 1981. (*Hindu*, August 28, 1982); (*ii*) One of the most shocking rape case reported to the police in Hyderabad recently was on May 13, 1982, when near Malakpet Railway Station, a nineteen year old married woman was raped by nine men (*Siyasat*, Urdu Daily, August 31, 1982)

[13]To mention only two· (*i*) Gang-rape by policemen in Siswan (UP) in April 1982; (*ii*) Mass rape by policemen in Narainpur (UP) in 1980 (Though the judicial report on Narainpur episode has exonerated the policemen charged with mass rape) (*Hindu*, September 1, 1982).

In detection of crime, a male police officer finds it very difficult to deal with women criminals, at almost all the stages of interrogation, search or arrest Whenever the suspects are to be kept in police lockup, there is the danger of either policemen misbehaving with them,[14] or women criminals taking advantage of the situation and turning the tables against the well behaved policemen.

In cases where woman is not the criminal but victim of the crime, the situation becomes too delicate to be handled by male police By nature, an Indian woman, specially a housewife, is shy and not bold enough to talk freely before the policemen Moreover, there might be many delicate matters which cannot be discussed freely before the males particularly in such cases where modesty of women has been outraged or in cases of kidnap or run away girls. Even in other cases, where exact information is to be extracted from women, the male members find the job very difficult and they do not always get the true picture of the situation

Besides, there are many other functions which can be assigned to the women police, namely[15], assistance to the local police in tracing missing women and children keeping watch over places of ill fame, recovering minor girls from brothels and escorting them to rescue homes, courts and hospitals and recovery of women and girls involved in abduction and kidnaping cases, collection of intelligence, interrogation of juveniles, women offenders under-trials and witnesses, interrogation of juvenile victims of sexual offences, arrest, search and escort of women offenders, VIP and other security duties; work relating to women passengers at airports and search of their persons and belongings, conducting enquiries in connection with passport applications, etc, of 'purdahnashin' ladies, assistance to the local police in evacuating women and children from disturbed areas during emergencies; keeping order in women's meetings and processions, dealing with women agitators, satyagrahis and labour troubles in which women are involved, looking after women and children in fairs, places of pilgrimage and during festivals, guiding women passengers at big railway stations and important bus stands in large towns and cities and helping children to cross roads near schools

WOMEN POLICE IN ANDHRA PRADESH

Before 1950, only 16 women were appointed in the police department of the State of Hyderabad They were designated as 'Aseels' and were attached to the city crime branch. These Aseels were illiterate and paid Rs 25 per month Their job was to search and arrest women criminals.

[14]Ramizahi, a woman suspect was raped by policemen while in police lockup in Aditmet Police Station, Hyderabad, in 1979.

[15]Government of Andhra Pradesh, Home (Police) Department, G.O. Ms No 1094, dated July 29, 1957.

After the partition of the country in 1947, due to communal riots in various parts of India, muslims had a feeling of insecurity and migrated to the erstwhile State of Hyderabad. There was a heavy inflow of refugees in Hyderabad from all over India. Among the refugees were many women who observed 'parda'. Hence the law enforcement agency was faced with the problem of dealing with these women. Therefore, the need for women in police, was felt urgently and the first batch of 12 women constables was appointed in 1950, on a regular basis.

After the formation of Andhra Pradesh, the women continued to be appointed in police service, whenever needed. Between 1975 and 1982 there was an appreciable increase in the number of women police. In 1980, two women police stations came into existence and in 1982 the government recruited 150 women constables, who are at present undergoing training at Police Training School, Anantapur (AP) Table 2 indicates the total strength of women police in Andhra Pradesh.

TABLE 2 STRENGTH OF WOMEN POLICE IN ANDHRA PRADESH IN 1982

Designation	*Number*	*Nature of appointment*
Inspector	1	Direct recruitment as Sub-Inspector in 1959, promoted as Inspector in 1979.
Sub-Inspectors	7	Promoted from the rank of constables.
Head Constables	26	—do—
Constables	308	Direct recruitment
Recruits undergoing training	150	Direct recruitment

SOURCE Information supplied by the office of Director General of Police, Andhra Pradesh in August 1982.

Recruitment

The qualifications required (except the physical measurements), and the methods of recruitment for women police, are the same, as for men police The minimum age is 18 years and the maximum age is 28 years, with the usual relaxation permissible under the rules

The minimum educational standard, required is SSLC, pass or fail Earlier it was only VIII standard [16] In spite of the following strong recommendations of the Committee on Police Training (1972) and the First National Police Commission's Report (1979) "High School examination or its equivalent should be the minimum educational qualification, for the recruitment of constables", the Government of Andhra Pradesh, by inserting words 'pass or fail', has defeated the very purpose of the recommendation The education standard thus remains the same as it was earlier, when minimum educational qualification was VIII standard This flexibility in qualifica-

[16] *Report of the Committee on Police Training, 1972.*

tion might be a devise for patronage, but it is detrimental to the interest of the police service, and hence needs immediate rectification This is more urgent in case of women police who has to deal with complicated but delicate socio-economic problems of the society and needs a higher educational background and intellectual calibre Besides the candidate must also fulfil requisite physical requirements, as laid down by the government which are slightly different from male members [17]

The educational or age qualifications are not relaxed for widows or near and dear relations of the police personnel as was done in Punjab [18] But other things being equal, due consideration is shown to them, which is justifiable

The procedure of recruitment for women police is the same as for men police There is no procedure for the advertisement of vacancies The candidates apply on their own to the district superintendent of police and the selection is made by the district selection committee, consisting of DSP and two Additional DSPs

The recruitment procedure needs to be strengthened in order to attract the best candidates for the women police service It is desirable to advertise posts by a wide news media coverage This will not only enlarge the area of selection of the candidates, but will also enhance the image of the police service in the eyes of common man

In view of the diversity in the standard of education, it would be desirable to introduce a written qualifying examination in general knowledge of SSLC level, followed by a personality-cum-aptitude test

The direct recruitment of women police in Andhra Pradesh is mainly confined to the level of constables Except one lady inspector who was recruited by a competitive examination in 1959 as sub-inspector, and then promoted to the post of inspector in 1979, all other vacancies of sub-inspectors and head constables were filled up by promoting constables This method of recruitment by promotion has its own demerits The educational standard and the mental calibre expected of the two levels of functionaries (*i e* , the constables and the sub-inspectors) are quite different, but the recruitment policy did not take this into account Moreover, during the course of their service, no attempt was made by the government to overcome the deficiency of educational qualifications by other means, such as imparting training However, some of them did not receive any training during the entire period of their service Thus, the women police was bound to suffer in the absence of any well thoughtout recruitment policy

[17]Minimum height is 5 feet and minimum weight 100 lbs
[18]A Mahajan, *op cit* , p 59

Training to Women Police

The training to women police is mainly confined to the level of constables For the training of police constables in Andhra Pradesh, there are the following three training schools: (1) Police Training School, Anantapur, (2) Police Recruits School, Vijayanagaram, and (3) Police Recruits School, Amberpet, Hyderabad.

The women constables at present are imparted training only at one centre, *viz*, Anantapur. The reason for confining it to one centre is the desirability of having a uniform standard of training.

The duration of training period is the same nine months, as elsewhere. The dress of the women trainees is slightly modified to suit various occassions Generally they are in the usual police dress (khaki pant and shirt) For parade and sports, shalvar kameez, are permitted and for indoor training they are allowed to wear white sari and blue blouse. There is a suggestion to switch over to sports dress (skirt and blouse) while on the grounds. The trainees are housed in a hostel, which is looked after by a female warden.

The Course Content and the Methods of Training

The principle of equality, both in the methods and course content, is adhered to for the training of women constables. There is practically no difference between the training imparted to men and women except the physical training aspect which is less rigid in the case of women trainees. The training is imparted mainly by the faculty of the school, which is dominated by male members It is desirable to include women instructors also. The contents of the training may be divided into two main categories:[19] (1) Indoor training, and (2) Outdoor training

The indoor training consists of class-room lectures while outdoor training includes, P T. drill, handling of weapons and observation of various situations

The physical training is imparted from 6 a.m. to 7.30 a m and from 5 p m. to 6 p m. From 9 a.m. to 4 p m. trainees attend classroom lectures. The medium of instruction is generally Telugu. The course content for the classroom lectures is very lengthy. It includes different subjects of varied nature, *e g*, a detailed account of Indian Penal Code, Criminal Procedure Code, Indian Evidence Act and various local laws Then the trainees are given a detailed account of scientific aids in the field of crime detection An effort is also made to improve the expression, both oral and written, of the trainees through various exercises They are also made to acquaint themselves with the functioning of police station.

[19]Syllabus for Recruit Women Police Constables—Nine months P R School, Government of Andhra Pradesh.

An important aspect of the training programme is observation of various places, persons, and things Recruits are taken to various parts of the town to develop the technique of observation, which is of great asset to them. The training syllabus seems to be too heavy for the women constables It fails to take into account the absorption capacity of this group

One of the major defects of the training programme is the concept of equality which is observed in the training programme for men and women as both are given the same type of training This does not seem to be justified as women police is not to supplant but to supplement the male police. The women are inducted to the police service to assist the men police in dealing with the special groups of women and children Hence the women police needs intensive training in the subjects pertaining to these groups, such as handling of women criminals and juvenile delinquent, recording of FIR or evidence of women, extracting information pertaining to cases of sexual crimes, etc. Since the training programme does not even touch upon any of these sensitive areas, the women police cannot be expected to perform these special functions effectively. Thus, in the absence of correlation between training programme and future functions, women police would not be that effective as it is expected to be.

A Study of Women Police Stations in Hyderabad

Andhra Pradesh is the third state in India to have the credit of establishing women police stations in the state. The need for the establishment of women police station, was felt after the incident of a women suspect, Ramizabi, who was raped by policemen, while in police custody This incident was exploited equally by the politicians and the anti-social elements, to the fullest extent possible, resulting in violent flare up in the city causing serious damages to public property This incident compelled the authorities to give serious thought to handling of women criminals/suspects by female police Perhaps inspired by the experiment of Kerala, the government ordered for the establishment of two women police stations, one at Kachiguda (Hyderabad) and another at Maretpally (Secunderabad) in September 1980 The strength of the two police stations is described in Table 3

TABLE 3 STAFFING PATTERN OF WOMEN POLICE STATIONS

Designation	*Number*	*Postings*
Inspector	1	to be incharge of both the police stations.
Sub-inspectors	3	2 at Secunderabad and 1 at Hyderabad.
Head constables	16	8 at Secunderabad and 8 at Hyderabad
Constables	32	16 at Secunderabad and 16 at Hyderabad.

The intention behind the establishment of the women police stations, was to provide due protection to women suspects during their detention. The two police stations work as lock-ups for women suspects By no yardstick they can be classified as police stations, as they do not perform the usual functions of a police station, namely, registration of cases, handling of suspects, arrest of offenders, etc It will be more appropriate if they are renamed as women's lock-up. Apart from their limited functions, these police stations fail to create good impression on the citizens. They are neither housed in proper buildings nor equipped properly They do not provide even the basic amenities like telephone, vehicle or even toilet for ladies. The women police attached to these stations are partly responsible for creating poor image of women police stations The sub-inspectors attached to these police stations were promotees from constables, recruited in 1950s or 1960s with very low educational qualifications Many of them did not receive any training at all They seem to have neither the knowledge nor the skill to deal with the complex socio-economic problems of the present day, and hence they fail to perform the challenging task before them The personality of a police officer counts much But the women police officers in general do not have an impressive personality[20] Many of them do not even wear the official dress prescribed for them.

In view of the growing importance of women police and the various attempts at modernising the police administration in the state, it is desirable that serious thought may be given to the question of improvement of women police stations in the city. To begin with, the government may enlarge the functional jurisdiction of women police station to bring them on par with the other police stations in the city. This requires that the women police stations should be given all the powers given to other police stations, like power to register cases, to make arrest, interrogation, search, etc All the women suspects or victims should be brought to these police stations to be handled by women police only. If they are handled by the male police first and then brought to the women police station to be kept in the police lock-up, then the very purpose of the women police station is defeated. It is, thus desirable that these women police stations should be brought on the lines of full-fledged women police stations in Kerala.

CONCLUSIONS

An evaluation of working of women police, leads to many interesting findings. One of the major drawbacks is the absence of comprehensiveness and continuity in the policy towards the women police. In fact there is no proper women power planning at all In most of the states, even today no

[20]The observation is based on the personal visits of the author to the two women police stations.

effort is made to correlate the job requirements of women police to the requirements of personnel Women are taken into service, as and when needed, against the general vacancies, hitherto filled by male police As a result, neither the recruitment is done on a well-thoughtout basis nor is it supported by a training policy Whenever, sporadic appointments are made, the imparting of training becomes difficult and it is completely eliminated

The appointment of women police against the general vacancies, amounts to an encroachment on the rights of policemen and is one of the reasons of resistance by male members It is desirable, therefore, to create vacancies of women police in addition to the existing ones

It is surprising that in spite of high rate of educated unemployment and increasing number of women coming forward for jobs in every sphere, the police service has not been able to attract sufficient number of women, specially from middle class families Women constables in a majority of cases come from either the families of policemen or from the lower strata of society It is neither the odd working hours nor the nature of job, which come in the way of women joining police service If this were the reason, women would not have joined in such large numbers as nurses, telephone operators, air hostesses or sales girls Therefore, the reasons of the indifferent attitude of women towards the police service has to be identified properly

For some time to come, the government is bound to face the problem of attracting the educated women from respectable families for the police service specially in view of the stigma attached to it It will be in the fitness of things if women police are given special privileges by way of incentives, such as a fixed quota in schemes like housing, loans, etc

It is sad to note that authorities at the higher levels have still not taken the women police seriously At no stage in the process of development and modernisation of police, the women are taken into confidence Even the decisions relating to women police are taken by male members It is, therefore, desirable that women police officers should be associated with the process of decision-making in police administration

The most surprising is the absence of any reference on women police by the Committee on Police Training (1972) and the first Report of the National Police Commission on Constables (1979) In fact the two should have provided guidelines for the women police in India

Another shortcoming is that there is no correlation between the duties of women police as defined by the government[21] and the tasks for which they are equipped by the training schools The government limits their role to those functions where women and children are involved, whereas the training curriculums, do not even touch upon any of these aspects and give them just the same training as to the men police This contradiction has to be

[21]Government of Andhra Pradesh, Home (Police) Department, G O Ms No 1094, dated July 29, 1975

came into being with confederation in 1867. Data on the proportion of women in the civil service prior to 1900 are not complete and not fully reliable. Nevertheless, available records show that women have been nominally employed in the public service almost from its inception. There were at least two women as early as 1870. By 1885, of a total of 4,280 or so civil servants, 23 were women. By 1901, the percentage of female employees grew to 2.3 and since then it has been increasing more or less steadily.[2]

During the early years of confederation, the entry point for women in the civil service was almost always the lowest level of clerical positions with very low salaries. Since very few men applied for such jobs at that time, virtually all such positions were filled with women Women as a whole were also considered unfit for promotion to higher level clerical or supervisory positions in the civil service Clearly, the under-representation and confinement of women to the lowest levels in the civil service at that time was largely due to the government's blatantly discriminatory practices against women rather than any noticeable lack of interest or willingness on the part of the latter to work for the government.

The Civil Service Act of 1908, which introduced for the first time the merit system of recruitment based on a competitive examination process for the 'inside' civil service and established a Civil Service Commission with the power of appointment, did not contain any explicit discriminatory clause which permitted the exclusion of women in civil service recruitment The Act, however, provided that "in cases where the sex of a candidate might be more or less a disqualification, the deputy heads (of departments) would be at liberty to specify whether men or women were required for the special positions to be filled." Taking advantage of this statutory authorisation, the Civil Service Commission then took the position that it was virtually impossible to appoint women to any positions where they would have to supervise men Consequently, although women were not explicitly prohibited from participating in competition for supervisory jobs, in practice they were systematically excluded from such appointments

The 1918 Civil Service Act which extended the merit system of recruitment to the 'outside' service also continued to authorise the Civil Service Commission to limit competitions on the basis of qualifications including the sex of the candidate that were " . in the judgement of the Commission requisite to the performance of. duties" Despite the fact that women received the right to vote in 1918, during the 1920s, female employees faced further discriminatory measures. In 1921, for example, it was

[2]For details, see, S Judek, *Women in the Public Service Their Utilisation and Employment*, Ottawa, Queen's Printer, 1968, pp 7-30, K Archibald, *Sex and the Public Service*, Ottawa, Queen's Printer, 1970, pp 13-30, *The Royal Commission on the Status of Women in Canada, op cit*, 1970, pp 105-140.

stipulated that "married women could be appointed only when required to be self-supporting or on a temporary basis when a sufficient number of qualified candidates was not otherwise available" Similarly, women who were already in the civil service were required to resign from their positions upon marriage. In exceptional cases, if the government needed their services badly, they were then re-hired as new employees on a temporary basis with the minimum rate of salaries in their class Notwithstanding such discriminatory practices, the number of female employees in the civil service steadily increased in the 1930s Their percentage increased from 15 6 in 1920 to 26 in 1931.[3]

During the depression years in the 1930s the government introduced several austerity measures in the civil service which led to a drastic decrease in the total number of appointments and, in particular, that of women However, with the outbreak of war in 1939, the number and proportion of female appointments began to rise dramatically, reaching 65.4 per cent in 1943, as restrictions on the employment of married women were eased and women filled many of the positions left vacant by men who joined the war. But once the war ended, the old restrictions on the employment of married women began to reappear In addition, there were a few newer discriminatory developments as well, such as the granting of absolute preference to veterans with overseas service which worked to the detriment of women Presumably because of such restrictive measures, female appointments in the civil service suddenly dropped to about 30 per cent of all appointments immediately after the war. It was only by the end of 1955 that the government finally paid heed to representations by women's organisations and passed an order-in-council revoking the restrictions regarding recruitment and retention of married women in the civil service Soon after that, the proportion of female appointments also began to rise remarkably, reaching 47 per cent in 1956.[4]

During the 1960s and 70s there were several significant statutory and other developments in the direction of creating a climate of equal opportunity for women in the civil service. First, in 1960, the federal parliament passed the Canadian Bill of Rights, which prohibited discrimination by reason of sex A second development was the passing of a new Civil Service Act in 1961. This Act, in sharp contrast with earlier Civil Service Acts, did not mention sex while authorising the Civil Service Commission to prescribe qualifications as to 'age, residence,' etc, of candidates for civil service jobs However, at the same time, somewhat strangely, it omitted 'sex' while categorically prohibiting discrimination on grounds such as 'race, national origin, colour, religion, etc. Providing for the

[3] S Judek, *op cit*, p 9
[4] *Ibid*, p 18.

concept of equality of women in the Act in such an implicit way probably helped considerably to ease discrimination in the civil service especially in an official or institutional sense. Discrimination, however, still continued unabated in many other forms.

Commission on Government Organisations

A third important development took place in 1962 when the Royal Commission on Government Organisations which the government had appointed in 1960 to "inquire into and report upon the organisation and methods of operation of the departments and agencies" submitted the first volume of its report. After observing that officially there was no discrimination between male and female appointments in the civil service, the commission noted:

> Subtle differences do, however, appear in practice . . . officially there is no discrimination against women in the classification and pay system of the public service. In practice, the pay discrimination against women existing in the private sector tends to be reflected in the public service . . . there are few cases of women being appointed to senior levels of management. The evidence is that women with the necessary qualifications, experience and ability, do not receive equal consideration with men for such appointments. This is particularly true for positions involving the supervision of men. . . . The government as an employer has, on the whole, discriminated against women less then have most employers in commerce and industry. On the other hand, it would be to its advantage were it to make more effective use of the talents and qualifications of women because of the wide range of employment opportunities which are suited for women. It should prudently experiment with job assignments, and training and development principles, to end the waste of abilities and qualifications well suited to those intermediate and senior positions for which talent will be increasingly scarce in future.[5]

A fourth major development took place in 1964, when Canada ratified the 1958 Discrimination Convention of the International Labour Organisation which urged the elimination of discrimination in employment and occupations based on several factors including sex and officially committed the country to the pursuit of equality of opportunity and treatment to men and women The next significant development was the passing of the Public Service Employment Act of 1967 which stipulated that all appointments to and within the public service be "based on selection according to merit and that the public service commission, in prescribing selection standards,

[5]The Royal Commission on Government Organisation, *Management of the Public Service*, Ottawa, 1962, p. 379.

shall not discriminate against any person by reason of sex, race, origin, colour and religion."

Commission on Status of Women

In 1967, the government also set up a Royal Commission on the Status of Women to "inquire into .. the status of women in Canada .. to ensure for women equal opportunities with men in all aspects of Canadian society." Soon after that the public service commission itself commissioned a social scientist from the Rand Corporation in California, Dr. Kathleen Archibald, to carry out an independent study of all aspects of the effect of sex on employment in the public service. This study entitled "Sex and the Public Service" was published in 1969. After a fairly detailed examination of the various aspects of treatment of women in the public service, Dr. Archibald concluded in this study that, women for a variety of reasons were not getting a fair deal in public service, especially in the matter of recruitment and promotion. The report also offered several recommendations towards what it called "an active rather than either a passive or an aggressive approach" to equalise opportunities for women in the public service.

Within a year of this study's completion, the Royal Commission on the Status of Women also submitted its lengthy report in which it urged the federal, provincial and territorial governments in Canada to adopt many 'immediate changes' in their existing laws and practices to "ensure for women equal opportunities with men in all aspects of Canadian society."

The report contained 167 recommendations, a number of which were in direct reference to the employment of women and the improvement of their status in the public service Among the many broad 'immediate changes' proposed by the commission, two deserve special mention here : (*a*) the creation of a federal provincial and territorial Human Rights Commission with power to investigate the administration of human rights legislation and with the power to enforce the law, and (*b*) the establishment of a federal Status of Women Council, directly responsible to parliament. The commission envisaged the following responsibilities for such a council:

> to advise on matters pertaining to women and report annually to parliament on the progress being made in improving the status of women;
> to undertake research on matters relevant to the status of women and suggest research topics that can be carried out by government, private business, universities, and voluntary associations,
> to establish programmes to correct attitudes and prejudices adversely affecting the status of women;

to propose legislation, policies and practices to improve the status of women; and

to systematically consult with women's bureaus or similar provincial organisations, and with voluntary associations particularly concerned with the problems of women.[6]

Specific recommendations of the commission to increase the prospects of equal opportunity in the public service included the following:

that the federal, provincial and territorial governments include in their selection standards for appointment to positions in their respective governments, the assessment of volunteer experience in evaluating the qualifications of applicants,

sex-typing of occupations be avoided in the text and in the illustrations of all federal government publications,

until the sex-typing of occupations is eradicated, the federal public service commission and federal government departments take special steps to obtain applications from qualified women when appointments to senior levels are being made from outside the public service and to increase the number of women appointed to occupations and professions not traditionally female,

the federal public service commission and federal government departments emphasise, as much as possible, potential rather than experience as a basis for appointment or promotions,

the federal public service commission and federal government departments introduce programmes that will ensure the consideration of secretaries for administrative positions, and, open up intermediate and senior administrative positions to women in traditionally female professions,

special effort be made to attract more women applicants for administrative trainee positions in the federal public service;

women administrative trainees be given the kind of training and assignments that will prepare them for advancement to the senior levels; and

action be taken to increase greatly the enrolment of promising women in the public service management courses, including the step of waiving salary floors and age ceilings where necessary in their case.[7]

Especially in light of the recommendations in these two reports, the official concern about discrimination against women in the public service became increasingly intense in the early 1970s Since then several sets of

[6] *The Royal Commission on the Status of Women,* *op cit*, pp 387-391.
[7] *Ibid*, pp. 395-404.

programmes designed to promote equal opportunities for women in the public service have been in place. Some of these programmes may be characterised as a "general consciousness raising" type many of which were devoted to organising and mobilising women and sensitising both men and women to the diverse forms of discrimination faced by women in the public service and the society at large. They included the setting up of an office of equal opportunities for women in the public service commission in 1971. This office reports directly to one of the commissioners and much of its work is directed toward researching and developing the data base on female employment patterns in the public service, publicising the equal opportunity message both within and outside the government, increasing the general awareness about the importance of equal opportunity for women in the work world and advising the commission on personnel policies, practices and directives that may result in discriminatory treatment of female employees.[8]

Directives and Legislation

In addition, in 1972, through a 'cabinet directive' the government instructed all deputy heads of departments to "take steps to encourage the assignment and advancement of more women to middle and senior echelon positions" in the public service. Furthermore, in 1973, it set up an advisory council on the status of women to advise the government on matters of women's equality in Canadian society The council operates more or less independently of the government, but reports to it through a designated cabinet minister.

By the late 70s, in compliance with the above mentioned cabinet directive and responding to mounting governmental as well as societal pressures, the public service commission adopted a host of specific administrative measures to alleviate the most obvious forms of discrimination against women and to improve their chances for upward mobility in the public service. For example·

Effort were intensified to widen the scope of female participation in the career assignment programme (CAP), the commission's major executive development programme, and to identify more women to senior officer positions in the public service;

an inventory of women with CAP and SX (senior executive) potential was set up,

women were more frequently chosen as selection board members in order to help encourage women to participate in competitions for positions at all levels;

new training programmes were being developed by the bureau of staff

[8]Public Service Commission of Canada, *Annual Report*, Ottawa, 1979, pp. 17-18.

development and training to help women in the lower categories to advance their careers;

staffing officers throughout the public service were instructed that volunteer experience be rated in the same manner as other relevant experience when considering applicants for job positions.

Until then, such work experience was generally ignored while assessing applications for jobs and it worked especially to the disadvantage of female applicants; and

Sex-typing references such as 'male only' for 'female only' in recruitment information and advertising material issued by the public service commission were removed and replaced by statements such as "this competition is open to both men and women". During this period, some epoch-making decisions were also rendered by appeal boards operated by the commission to the effect that women could not be excluded from jobs such as those of letter carriers on grounds of sex, although men or women could be excluded on grounds of insufficient physical strength.[9]

Towards the latter part of the 1970s, the government also took two further steps to promote the 'equal opportunity' principle in the public service and elsewhere in the country. First, in October 1975, the minister responsible for the status of women publicly stated that: "...it is the policy of the federal government as an employer to provide career opportunities throughout its public service which are equally available to women and to men to ensure that within a reasonable period of time, representation of male and female employees in the public service approximates the proportion of qualified and interested persons of both sexes available by department, by occupational group and by level."[10] And, second, in 1977 the government passed a Human Rights Act and established a Human Rights Commission for appeals of violations under the Act. Section II of the Human Rights Act made it a discriminatory practice to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value. By 1977, the federal government and almost all provinces had passed legislation, in one form or another, and with varying effectiveness, which required employers to pay equal wages to male and female employees performing substantially the same work. But this Act went beyond that and required that even if it can be demonstrated that the work performed is of equal value, there must be no difference in the wages paid to male and female employees

More recently, both government and the public service commission

[9]Public Service Commission of Canada, *Annual Report, op cit.*

[10]Public Service Commission (Office of Equal Opportunity for Women), *Women in the Public Service of Canada*, Ottawa, 1976, p. 6.

have again been adopting additional measures as well as adjusting existing ones in order to deal with the specific problems faced by female employees. Undoubtedly, these measures have been instrumental in bringing about the present situation which does represent a vast improvement over the situation that existed for long. The table on next page shows the increase in the rate of participation of female employees in the public service by occupational category during 1977-1981.

PROBLEMS IN RAISING REPRESENTATION OF WOMEN

As can be seen from the table, the government's efforts over the years have helped women to improve gradually their overall representation. However, they still remain severely underrepresented in the public service as a whole and in the higher-paying senior executive or policy-making category of jobs in particular Moreover, since the concentration of women is in the support categories which include clerks, secretaries, stenographers, typists, etc, and they are also generally clustered in the bottom classes within such categories, they naturally earn much lower salaries than men employees. In 1981, for example, women remained in the majority in the lower pay scales, making up 68.6 per cent of employees earning less than $10,000, 63 6 per cent of those paid less than $15,000 and 58.6 per cent of the earning less than $20,000. In the $45,000-$50,000 range, women made up 3 2 per cent of the total, and 3.1 per cent of those making $50,000 or more.[11] There is also a great deal of unevenness in the distribution of women within and among departments and agencies.

It must be added that women's inequality of opportunity to enter the public service and to advance in it no longer seems to arise from any overt legal limitations on their rights. Officially, openings in the public service are now equally open to both sexes And many statutes including the Public Service Employment Act and the new Constitution Act (1982) contain specific provisions that guarantee women protection against sex discrimination. Given the removal of most of the legal barriers for the employment of women and the establishment of many legislative guarantees against discrimination on the basis of sex, one might at present expect more or less equal participation by women in the labour force as a whole. However, women still participate in the labour force to a much lesser extent than men. The national participation rate for women in the labour force in 1980 was 50 1 per cent as opposed to 78.6 per cent for men.[12]

[11]For details, see, Public Service Commission of Canada, *Annual Report*, Ottawa, 1981, pp. 8-9.

[12]Statistics Canada, *The Labour Force*, Ottawa, 1980, p. 15.

WOMEN IN THE PUBLIC SERVICE BY CATEGORY

Occupational Category	*1977*		*1978*		*1979*		*1980*		*1981*	
	No.	*Per cent*	*No.*	*Per cent*	*No*	*Per cent*	*No*	*Per cent*	*No*	*Per cent*
Senior Executive (SX)	38	2 9	40	3 0	50	3 7	52	4 0	68	4 3
Scientific and Professional	5,566	23.0	4,951	21 4	4,815	21 8	4,506	21 0	4,762	22.0
Administrative and Foreign Service	11,341	22 1	12,099	23 4	12,268	24 4	13,693	26 6	15,751	30 1
Technical	2,732	10 2	2,683	10 1	2,564	10.0	2,684	10 4	3,063	11 5
Administrative Support	57,301	78 9	56,005	79 3	53,955	79 7	54,996	80 7	55,614	81 6
Operational	18,761	17 7	18,439	18 0	18,674	18 7	19,451	19 5	5,431	12 0
TOTAL (All Categories)	95,922	33 9	94,323	34 2	92,425	34 6	95,487	35 6	84,801	39 3

SOURCE. Public Service Commission of Canada, *Annual Reports*, 1978, Vol 2, p 12, 1979, Vol 2, pp 22-24, 1980, Vol 2 pp 22-25; 1981, pp 60-62

Duality of Role and Inferior Education

In its report, the Royal Commission on the status of women had identified several general factors such as lower participation, higher turnover and absentee rates, and lower level of education, training and experience which deny women equal status in employment.[13] Women's participation in the labour force is still inhibited by many factors such as their dual roles and insufficient emancipation from household responsibilities, higher unemployment rates, and above all, inferior education and training. More than 35 per cent of women who work are also mothers, and the annual rate of increase in their labour participation in recent years has been close to 10 per cent. Studies have shown that the steady increase in the labour force participation by married women in recent years has not been accompanied by a commensurate dilution of their dual roles and an equitable sharing of household activities by men Studies have also shown that the incidence of unemployment among women is much higher than among men Women also tend to stay in the labour force for shorter and more intermittent period than men Finally, and perhaps more important, inferior education and training have also weakened their participation in the labour force. As far as university education is concerned, female enrolments in 1980 were, as a whole, more or less comparable to male enrolments However, compared to men, women tended to concentrate considerably less in job-oriented faculties such as science, commerce, engineering, dentistry, medicine and law. Instead, they were concentrating in programmes in faculties of arts, education, nursing and pharmacy.[14]

In addition, training and re-training programmes too have not had much positive impact for women. This is especially because such programmes usually lack emphasis on on-the-job training through which people can gain real work experience. Graduates of such programmes are also often unable to make maximum use of their training because of the poor matching of their job training and employment opportunities.

Institutional Difficulties

Besides this broad range of systemic or societal barriers facing females who wish to be part of the labour force, there are a few specific ideological as well as institutional obstacles facing women seeking entry into and advancement within the public service. Despite the ardent advocacy by many for equality of status for women and the many victories women have won in recent years in their battle for increased representation in the public service, there is still a great deal of controversy surrounding the

[13] *The Royal Commission on the Status of Women, op. cit*, pp 112-121.

[14] Audrey Doerr, "Overlapping Jurisdictions and Women's Issues", in Audrey Doerr and Micheline Carrier (eds), *Women and the Constitution*, Ottawa, Canadian Advisory Council on the Status of Women, 1981, p. 137.

very concept of representation on the basis of sex. As far as the advocates of equal representation for women are concerned, there are at least four major reasons as to why the public service should be representative of women. First, in a broad egalitarian and democratic sense, the opportunities for employment in the public service must be open to women on an equal footing with men. Second, from the point of view of the public service's responsibility and responsiveness towards women, the latter must not only be employed in it, but must also be served by a public service that is adequately representative of them. Third, for the public service, in order to be able to be effective and efficient in its dealings with women and to earn their trust and confidence, it is imperative that it is adequately representative of them.[15] And, fourth, as a special committee which reviewed personnel management and the merit principle in the public service in 1979 pointed out in its report, there is also justification and need for a positive programme of promotion of representation of women as a means of eradicating the injurious effects of many years of systematic discrimination.[16]

Critics of the concept of representation on the basis of sex, on the other hand, hold that apart from eliminating overt discriminatory recruitment and career advancement practices that may still persist in the public service, there is no pressing need at present for any positive or affirmative action in this regard. Such action is not justified in their view for the following reasons. First, it is extremely difficult to determine with accuracy whether some of the key assumptions underlying the concept of a representative public service reflect reality. For example, on closer observation, it is far from clear whether a "representative public servant" would in fact always be able and willing to respond sympathetically to the varied concerns of her group of origin In other words, it is not clear whether persons originally recruited on behalf of a particular 'constituency' could be expected to retain their original identity with and advocacy role for that constituency indefinitely especially after they had remained in the public service for long and internalised its norms and values Furthermore, it is equally questionable whether a group must always have to

[15]For an excellent discussion of some of these arguments, see, Donald J.Kingsley, *Representative Bureaucracy An Interpretation of the British Civil Service*, Yellowsprings, Antoch Press, 1944; Samuel Krislov, *Representative Bureaucracy*, Englewood Cliffs, Prentice-Hall, 1974, Norton Long, "Bureaucracy and Constitutionalism", *American Political Science Review*, September 1952; V. Subramanian, "Representative Bureaucracy: A Reassessment", *APSR*, December, 1967; K J Meier and L.C. Nigro, "Representative Bureaucracy and Policy Preferences: A Study in the Attitudes of Federal Executives", *Public Administration Review*, July/August 1976; and Barbara S. Romzek and J. Stephen Hendricks, "Organisational Involvement and Representative Bureaucracy: Can We Have It Both Ways?" *APSR*, March 1982.

[16]*The Special Committee on the Review of Personnel Management and the Merit Principle, Report*, Ottawa, Minister of Supply and Services, 1979, pp. 106-107.

rely upon its own members to represent its interests and whether its interests cannot equally be represented by members of other strata as well.[17]

A second element of opposition against appointment of more women in the public service stems from the critics' skepticism and quandary as to how soon and how far down into the various layers and levels of the public service should women realistically reach for adequate representation. In the critics' opinion, especially in view of the enormous unevenness and lopsidedness that now exist in the distribution of women within and among government departments and agencies, the idea of adequate representation for them throughout the public service in an immediate sense seems extremely impractical. A third ground for opposition against the inclusion of more female employees in the public service is that it would inevitably work to the exclusion of many male employees who themselves might not have engaged in any discriminatory practices against women. Fourth, such representation may also clash with public service neutrality. Finally, and most important, the critics of the idea of assigning an increasing number of jobs in the public service to women are concerned that it would unwisely and unnecessarily undermine the merit system of recruitment and promotion and the efficiency of the public service.[18]

Attitudinal Difficulties

Besides the basic difficulty stemming from the controversy surrounding the concept of representativeness, there are several additional attitudinal and institutional barriers as well for women seeking equal representation in the public service In the first place, in an attitudinal sense, although the public service commission has not yet embarked upon a quota system of appointment for women, some of the special measures it has already adopted and which are generally perceived by the public as being in the direction of a quota system, seem to inflict a certain amount of social and political damage to the very cause of equal opportunity for women. As economist Thomas Sowell has shown in the case of affirmative action as pursued in the United States under the Civil Rights Act (1964),[19] the damaging social and political side effects of special measures on behalf of women in Canada also appear to include the incidence of increased resentment and frustrations for both sides in the controversy, some amount of

[17]For a fuller examination of this point, see, V. Seymour Wilson and Willard A. Mullins, "Representative Bureaucracy Linguistic/Ethnic Aspects in Canadian Public Policy", *Canadian Public Administration*, Vol XXI, 4, Winter 1978, pp 531-538.

[18]For further details on these points, see, Kenneth Kernaghan, "Representative Bureaucracy: The Canadian Perspective", *Canadian Public Administration*, Vol XXI, 4, Winter 1978, pp 508-512, R F. Adie and P G Thomas, *Canadian Public Administration*, Prentice Hall, 1982, pp 205-215, and B S Romzek and J S Hendricks, *op cit*, pp 76-78

[19]Thomas Sowell, "Affirmative Action Reconsidered", *The Public Interest*, No 42, Winter 1976, pp 47-65 as cited in V.S. Wilson and W.A Mullins, *op. cit*, pp. 47-48.

distortion in the public perception of advances already made by women independent of such actions; and an expensive growth of bureaucratic apparatus concerned with administering such measures.

In the second place, the interpretation and enforcement of the concept of equal pay and equal opportunity which became a legislative reality with the passing of the Canadian Human Rights Act in 1978 after many years of protracted discussion and debate is still an extremely complex and convoluted process in the public service Section II of the Human Rights Act makes it a discriminatory practice to establish or maintain differences in wages between male and female employees in the same establishment who are performing work of equal value Nevertheless, as has been noted earlier, in actual practice, the average salary paid to female employees in the public service still continues to be considerably lower than that paid to male employees

The concept of equal pay for work of equal value is undoubtedly a progressive and praiseworthy one. But unfortunately the present method of enforcing it is plagued with many practical problems for women. For instance, in the interpretation of the term "equal pay for work of equal value" the definition of value and the determination of the value of the work performed is a matter of considerable difficulty for both the government and the Human Rights Commission. In addressing complaints concerning equal pay infractions, it has always been difficult for them to come to grips with such crucial questions as should all jobs within the same establishment be comparable, should there be some limits on the types of jobs that can be compared and how will jobs that are drastically different be compared to determine if they have equal values Until very recently, the public service classification system provided for only comparisons within each occupational group and not for comparisons between different groups Similarly, although 'wages' logically include all types of remuneration, equal pay legislation historically did not deal with equal pension rights and fringe benefits for female employees In addition, following a narrowly conceived sameness standard, the customary practice has been to require equal wages for women only when they perform the 'same' or 'identical' work as men in the same establishment. To a certain extent this practice also enables employers to evade equal pay legislation either by segregating jobs into 'male' and 'female' categories or by introducing subtle variations in job requirements so that the jobs will no longer be 'same' or 'identical' [20] Moreover, the existing method of enforcing equal pay legislation inevitably gives rise to an adversarial relationship between the aggrieved employees and their employer Given such a situation, even though women employees are statutorily entitled to equal pay, in reality,

[20]Gail C A Cook and Mary Eberts, "Policies Affecting Work" in Gail C A. Cook (ed.), *Opportunity for Choice: A Goal for Women in Canada*, C D., Howe Research Institute, 1976, pp 174-178.

they are not always completely free to invoke this right because it could amount to a *de facto* one-to-one challenge to their employer.

Impediments Due to Merit System

Also, certain aspects of the implementation of the merit system of appointments and promotions in the public service also appear to have had an adverse impact upon women The merit system emphasises achievement-oriented qualifications of candidates for positions in the public service and it was originally introduced in order to minimise patronage appointments and promotions in the public service It was also assumed that the merit system was a neutral device capable of detecting the universal 'merits' of any and all candidates regardless of the divergencies that may exist in their background The development of the merit system in itself would not have proved detrimental to women who are in the public service or potential candidates However, as the job descriptions, screening processes, and other recruitment and selection practices associated with the merit system were all drawn up primarily to meet the requirements of the positions in the public service and without taking into consideration the special disabilities and discriminatory circumstances that denied equal opportunity to women, it naturally had a disastrous differential impact on women After examining this problem critically, the special committee on the review or personnel managements and the merit principle concluded that achievement of equal access to employment and career opportunities for women will require reasonable accommodation to their special disabilities and circumstances To quote from the committee report:

> While attitudes towards the employment of women are changing, women who are in the public service, or potential candidates, are beset by specific problems—selection standards which place a high premium on educational levels, job descriptions that often inflate requirements for knowledge or abilities, screening on the basis of salary or other artificial barriers, the lack of bridging positions to allow for greater responsibilities, the lack of availability of training opportunities, and a decreasing number of opportunities for them to compete The fact is that equal opportunity efforts are not working well enough, and the situation of women in the public service has not improved significantly despite government policy [21]

Finally, protection against discrimination in hiring, promotion, and conditions of employment of women has also been suffering from the absence of a single integrated equal opportunity policy and programme

[21] *The Special Committee on the Review of Personnel Management and the Merit Principle, op cit*, p. 118.

and responsibility centre Current equal oppoitunity policies and programmes in the public are fragmented and dispersed among an array of organisational divisions or services, frequently operating in isolation. At present, management's commitment and support to such policies and programmes also vary from one department to another, and among organisational units within departments. As the Special Committee on Personnel Management and the Merit Principle pointed out, equal opportunity responsibility is also often a "part-time collateral duty"[22] assigned to individuals at relatively low levels of the organisation who may lack the requisite knowledge, skills, time and motivation to cariy out responsibilities effectively. This problem is further exacerbated by the fact that the organisational divisions or services in question generally do not enjoy high-level governmental priority, prestige and organisational strength Thus, in the absence of an overall single integrated equal opportunity policy and adequate administrative leadership to initiate, coordinate, and implement imaginative equal opportunity progiammes, it has been virtually impossible to avoid a ceitain degree of duplication and overlapping of responsibility in the day-to-day administration of the many special equal opportunity improvement programme pursued by different segments of the public service.

SUMMING UP

In the light of these and other barriers to equal opportunity that still persist, it is obvious that if participation by women in the public service is to be increased in a reasonable period of time, it will be necessary to recognise the special historical and social circumstances which have seriously disadvantaged them and to adopt an appropriate programme of positive action and special measures which will satisfy their needs. As the Special Committee on the Review of Personnel Management and the Meiit Principle recommended, such measures must, most of all, include:

—the establishment and implementation of a single, integrated, service-wide policy and programme of equal opportunities within the public service;
—a requirement that the departmental manager must play an aggressive role to attract and recruit qualified women to all public service occupations and periodically review and evaluate the success of departmental equal opportunity programme;
—a stipulation that public service selection standards must be governed not only by the requirements of positions but also desirable

[22]*The Special Committee on the Review of Personnel Management and the Merit Principle, op: cit.*, pp. 123-124.

social goals of administrative units such as having women or at least a woman in each one of them;

—a provision for flexible hours of work where operational realities permit;

—a provision for flexibility in assessing qualifications of women, to permit their initial selection and subsequent training or education,

—a requirement that the public service commission—the government's staffing agency—protect the intent and purpose of the principle of equal opportunity and related provisions of the Public Service Employment Act, through investigation of complaints and independent audit of the effectiveness of the implementation of the department's equal opportunity policy and programmes, and above all,

—the launching of a strong and effective campaign under government leadership within and outside the public service to develop positive attitudes and behaviour towards enlistment and integration of more and more women into the public service at all levels [23]

Thus, it has been shown in this article that the representation of women in the Canadian public service, especially at its senior levels, is very low relative to their numbers in the population Historically, women faced many barriers to public service employment for reasons essentially attributable to blatant discriminatory practices by the government. Although many significant legislative and other measures have been taken in recent years for the improvement of equal opportunities for women in the public service and the trend towards greater participation by women in the labour force in general and the public service in particular has been continuing unabated, women are still more or less confined to a narrow range of occupational categories and are victims of diverse forms of discrimination in hiring, promotion and conditions of employment Admittedly, there are no easy and simplistic solutions to the problem. Nevertheless, as a complement to the anti-discriminatory steps already in place, additional steps can still be adopted to combat discrimination against women more effectively than at present Obviously, it will not happen until the society at large and the government in particular make a genuine equal opportunity commitment to women

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[23] *The Special Committee on the Review of Personnel Management and the Merit Principle, op. cit*, pp 108-124

Public Administration and Research Methodology: A Policy-Theory Perspective

P.S. Bhatnagar

THE BASIC purpose of research in any field of human endeavour is to discover answers to questions through the application of scientific procedures These procedures have been developed in order to increase the likelihood that the information gathered will be relevant to the question asked and will be reliable and unbiased. To be sure, there is no guarantee that any given research undertaking will actually produce relevant, reliable and unbiased information[1] But scientific research increases the likelihood of getting relevant answers to our questions.

Research always starts from a question or a problem of some sort: why is a day longer in summer? Why do eclipses take place? Why do crimes take place in society? Why do civil servants accept bribes? Will training of civil servants increase their efficiency? Will delegation of powers enable quick disposal of work? Will the training of officials increase their efficiency? The answer depends not only on factual information such as the education and background of civil servants, the nature of tasks they have to perform, the cost of training, etc , it also involves values about whether training is desirable for civil servants or not However, it is often possible to transform what seems to be a question of value into one of fact. For example, opposition to training may be based on the value that people who have once given proof of their intelligence and worth in the competitive examination need no further education or training But whether training increases their efficiency is a question of fact and can be investigated through research

A large number of questions in social sciences cannot be answered at the present time because adequate procedures for gathering relevant information have not yet been devised However, many questions are amenable to answer through the application of scientific methods This does not mean that research will always emerge with an answer, let alone a definite answer. All research is oriented towards seeking answers; it may or may not find them[2] Social sciences are still developing and it will take quite some time

[1]Jahoda Cook, *et al*, *Research Methods in Social Relations*, New Jersey, Methuen and Company, 1966, p 2

[2]*Ibid*, p 3.

before they are able to compete with natural sciences. As Jahoda Cook, *et al*, point out "more often than not, social research results in the raising of new questions or the reformulation of old ones"[3]

PURPOSE OF SOCIAL RESEARCH

The purpose of undertaking research in social sciences is two-fold : 'intellectual', based on the desire to know or understand for the satisfaction of knowing and understanding, and 'practical', based on the desire to know for the sake of being able to do something better or more efficiently. The former type of research is also labelled 'pure' (or basic) and latter 'applied' research According to Young, "Gathering knowledge for knowledge's sake is termed 'pure' or 'basic' research Gathering knowledge that could aid in the betterment of human destiny is termed 'applied' or 'practical' research".[4] There is tendency on part of some people to denigrate pure research, as to them it is a wastage of time and money Practical or applied research commands greater respect in many circles. However, it should be clear that both types of research are essential and applied research cannot be undertaken unless there is body of knowledge or theory which alone is generated by pure research. In reality, no sharp line of demarcation can be drawn between these two types of research Each is dependent upon the other for development and verification Historically, the scientific enterprise has been concerned both with knowledge for its own sake and with knowledge for what it can contribute to practical concerns [5]

This dual emphasis is perhaps specially appropriate in the case of social sciences "On the one hand its responsibility as a science is to develop a body of principles that make possible understanding and prediction of the whole range of human interactions On the other hand, because of its social orientation, it is increasingly being looked to for practical guidance in solving immediate problems of human relations only as general principles are developed can social science offer sound guidance for immediate action, and only to the extent that it can make predictions about the results of action in specific situations does it justify its claim of providing an adequate systematic body of knowledge about social interactions"[6] The starting point of a study does not necessarily determine what the nature of its contribution will be, for more often than not, basic research may yield knowledge that has immediate practical usefulness and research for practical applications may lead to the discovery of basic principles. However, the basic

[3]Jahoda Cook, *et al, op cit.*, p 4

[4]P V. Young, *Scientific Social Surveys and Research*, New Delhi, Prentice-Hall of India Pvt. Ltd, 1966, p. 30

[5]Jahoda Cook, *et al, op cit*, p 4.

[6]*Ibid*, p 5.

methods of research essentially remain the same whether one is pursuing pure or applied research.

From what has been discussed above it should be clear that the role of research methodology or scientific procedure in social sciences (as in physical sciences) is: (*a*) development of general principles (theory), and (*b*) solution of practical problems. Research methodology is important in both the situations, whether one is doing intellectual or practical research. This role of research methodology is same for all the social sciences like economics, political science, sociology, psychology and public administration. Since we are more concerned with public administration, we shall now discuss its role specifically in its context.

PUBLIC ADMINISTRATION AND RESEARCH METHODOLOGY

When we discuss the role of research in public administration, we find it is not different from other social sciences. Since public administration is an applied discipline with a body of knowledge having practical applications, both roles of research assume equal importance in our case. For academics the role of research methodology is important for building and developing theories For administrators, the people in the field, their role in helping finding solutions to problems as also in shaping the public policies becomes important

THEORY BUILDING IN PUBLIC ADMINISTRATION

A major problem facing the discipline of public administration is the lack of adequate theories or a body of systematised knowledge Unlike other social sciences, there is a general criticism that science of public administration lacks a sound body of knowledge Some people have even gone to the extent of saying that it is not a separate discipline of study as it has no theories of its own The discipline is facing these problems even today. As Gerald Caiden has remarked, "One of the most compelling reasons why public administration is denied the status of an academic discipline in the older seats of higher learning is that it has yet to develop a systematic body of theory There are theories in public administration, but there are no general theories of public administration Rarely is the term "public administration theory" employed in the literature of public administration, as it evokes memories of the simplistic normative slogans of administration reformers against politicisation and of the naive administrative proverbs of the scientific management approach to public administration before World War II."[7]

[7]Gerald E Caiden, *The Dynamics of Public Administration: Guidelines to Current Transformations in Theory and Practice*, New York, Holt, Rinehart and Winston, Inc., 1971, p 225.

Due to lack of adequate theories, academics and public administrators have gone outside traditional confines to borrow ideas, methods, techniques, and approaches from other disciplines and have applied them, with varying degrees of success, to public administration Similarly people from other disciplines have applied their ideas and theories to public administration or some aspects of it

However, these theories developed outside the confines of discipline deal either with things bigger or smaller than public administration but not with public administration itself "On the one hand they deal with all administration, all organised cooperative effort, all decision-making, all social organisations, all human behaviour, of which public administration is part; on the other, they deal with unique practices, specific organisations, special administrative case studies, and particular administrative subprocesses that constitute parts of public administration But few deal with the meaning of public administration Instead they accept public administration as 'a given of the polity or culture "[8]

The need, therefore, of developing theories in public administration can hardly be overemphasised However, theory building is possible only if we have facts which are the base of any theory. In our situation we need administrative facts that will help us in building theories in public administration.

FACTS AND OBSERVATIONS

Before facts could be collected, observations have to be made All theory building starts with observations of some sort or other in most of the sciences. As Griffiths observes, "One could hypothesize that the quality of the theory is directly related to the quality of the observations made by the theorist."[9] These observations have to be made in the form of facts The administrator or the academic, therefore, needs to be trained in observing facts relevant for theorising But before they are in a position to do so, they must have training and experience of scientific investigation This is essential to eliminate biased information as these are not acceptable as basic facts from which to build a theory. The facts as deduced from observations have to be acceptable to all those who are interested in them, whether academics or administrators

CONCEPT DEVELOPMENT

Mere observation, ordering and summarising of facts does not straightaway lead to theory-building It can start only if concepts are developed

[8]Gerald E. Caiden, *op. cit.*, p. 226.

[9]Daniel E Griffiths, *Administrative Theory*, New York, Appleton-Century-Crafts, Inc., 1959, p. 36.

from these facts A theory is based on a set of concepts, properly defined and relevant to the major theme of theory. "The first major task in the construction of a theory of administration is the development of a set of concepts which will permit the description of administrative situations. At present we do not have these concepts. It appears that one of the major roadblocks in the path to adequate theory is the lack of concepts which can be used to describe administrative situations."[10] Herbert Simon has also emphasised that, "Before a science can develop principles, it must possess concepts. Before a law of gravitation could be formulated, it was necessary to have notions of 'acceleration' and 'weight' The first task of administrative theory is to develop a set of concepts that will permit the description, in terms relevant to the theory of administrative situations. These concepts, to be scientifically useful, must be operational; that is, their meanings must correspond to empirically observable facts or situations "[11]

Concept development, therefore, becomes of crucial importance in the theory-building process. Research methodology helps us in this process by proper collection of administrative facts which become the base for concept formation, and subsequent theory-building. So far very little time has been devoted by academics in collecting facts and concept development, consequently we have not been able to build theories that would explain administrative situations. Also some of the theories that exist today in the field of public administration are unable to explain many administrative situations

Another related role of research methodology in public administration is revalidating old theories. Many theories which were built long ago need to be clarified in the context of new situation or developments This can be done only if we are able to collect new facts, which, as we have seen, is possible only if we know the correct methodology of research. This is very important in the case of public administration as the context under which it is operating is changing very fast in the wake of new developments in science and technology. Similarly old theories can be rejected only if we collect new facts. Many old theories of public administration still continue to be in use simply because no one has yet bothered to collect new facts to disprove their utility "[12]

Facts also help us in redefining and clarifying existing theories Thus we can say that research methodology helps us in collecting facts and concept development which become the building blocks of theory In public administration, therefore, there is all the more role of research methodology for building theories so that we are able to put our discipline on a sound footing and justify its independent existence

[10]Daniel E Griffiths, *op cit*, p 38
[11]Herbert Simon, *Administrative Behaviour*, New York, Free Press, 1957, p 37.
[12]For a detailed discussion refer to Ch II, Herbert Simon, *op cit*, pp. 20-44.

SOLUTION OF PRACTICAL PROBLEMS: SHAPING PUBLIC POLICY

A major role of research both in the natural and social sciences is the solution of problems facing human beings No country is free from human and social problems. Each is trying to find solutions to suit its special conditions However, many problems like, hunger, malnutrition, poverty, unemployment, disease, etc , are common in the most of the developing and developed world, only the magnitude differs Consequently, the role of research in all these countries has been to find solutions to these urgent and pressing problems. These problems which can be broadly divided into social, economic and political have highlighted the role of social research in finding solutions for their removal

The major burden of finding solution to these problems has fallen on the shoulders of public administration. The advent of welfare state, and national planning have further increased burden on public administration. The administration, consequently has been making policies in all spheres of nation's life in order to solve these problems Public policy making has become primary concern of administrators and politicians alike as the future and survival of nations depends on the success or otherwise of these policies.

The making of a sound public-policy, however, depends on the intelligence, knowledge and experience of administrators But the more basic thing is the facts on which the policy is based. So long as administrators are able to gather correct and relevant facts, public policies would be sound and practical The reason why many public policies fail is due to wrong collection and interpretation of facts by administrators Collection of relevant and correct facts is, therefore, of utmost importance in any system of public administration An administrator needs to be trained to judge for himself, fact from fiction or gossip. He must have knowledge to sift facts, interpret them correctly and on their basis build sound policies.

Research methodology can help train administrators in gathering relevant data and information for making and analysing of public policies. In fact every administrator today should be trained in the art of scientific investigation. Day in and day out he is busy finding solutions to problems which confront him in his office or in the field. He needs to have judgement for collection, interpretation and analysis of facts and policies The role of research methodology in public administration is, therefore, of paramount importance

Another important area in which research can help a great deal in public administration is developing a scientific bent of mind in the administrators. Our administrators have so far and still depend on hunches, precedents and experience for solving most of the problems faced by them This resort to hunches and experience should be replaced by scientific attitude towards problem solving Reliance on precedents is tolerable only to a limited extent, for conditions are changing so fast that what was sound policy for yesterday

may become irrelevant today. In th[illegible]
hour is development of [illegible]
be able to approach a problem [illegible]
They must possess the ability [illegible]
this can be possible only [illegible]
methodology, which [illegible]
solving [illegible] problems.

[illegible]

Thus [illegible] the
context of public [illegible]
are interdependent. [illegible]
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Moreover, [illegible]
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tion of public policy [illegible]
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trative situations. But before [illegible]
to be trained in the use of [illegible]

The growth of public administration [illegible]
the ability of [illegible]
basis of facts supplied by the [illegible]
are complementary, [illegible] the future of public administration as an independent discipline. □

Book Reviews

The Political Economy of Rural Development
J S BRARA, New Delhi, Allied Publishers, 1983, pp 274, Rs 70 00.

In discussing reasons why development programmes fail to benefit the rural poor, two differing views seem to get articulated in one form or another. One view stresses the importance of structural changes in society and holds that unless a radical redistribution of productive assets takes place, the poor and the weaker sections cannot possibly benefit from rural development programmes The other view argues that effective implementation is the key to the problem It is through improved organisational and management system, and greater commitment of the local level administrators to the programme goals that benefits could be directed towards the deprived sections of the rural society

In the book under review, Brara firmly holds the view that the new rural development strategies, specifically directed to the alleviation of rural poverty, cannot be successful unless radical restructuring of society takes place. The benefits are cornered by the rich who have access to political power Their access is due to inequitable distribution of resources and unless this inequity is radically lessened, the impact of these programmes will only be to strengthen those who are already well-endowed

What Brara is really concerned about is that while the Indian policy makers do recognise the significance of the 'radical restructuring' approach, in actual operational decisions they opt for administrative/managerial strategy He has quoted from various policy documents, *viz* , the Five Year Plans, to point out the discrepancy between analysis and proposed action Why does this gap exist? Using Galtung's framework, Brara bases his answers on relating India's dependence on inter-governmental organisations for financing rural development programmes He argues that the underlying assumptions of these programmes fall within dominant liberal strategies being propagated by these agencies The complementarity between the Indian policies and those promoted by international agencies is so great that in fact, "some portions of the plan and the language and the concepts used are almost indistinguishable from some of the policy guidelines of the World Bank". The author provides sound support to the feeling that most of the so-called new poverty alleviation programmes—basic needs, small farmers development, etc —can be traced to the programmes being promoted by the international agencies, like the World Bank, ILO or the FAO.

The result of this lineage is that programmes adopt a non-political approach and by deliberate design do not attempt to create a situation of conflict. Consequently, despite the use of radical rhetoric, there is a dominant technical managerial bias in the programme strategy. This bias is considered to be neutral and 'politics free'. It is in the interests of the elite represented by the international agencies and national elite represented by the policy makers to pursue a neutral strategy and thus perpetuate this bias Radical restructuring demands political action that may lead to conflict.

Using the above mentioned analysis, Brara seeks to examine two specific programmes: the Training and Visit System and the Small Farmer Development Agencies. Using data from both governmental and academic sources, the author argues that the assumptions regarding causes of poverty are misconstrued and emphasises: "Small farmers do not suffer primarily from lack of resources and credit but from lack of power and access rooted in the inegalitarian economic and social structures and land holding patterns."

By making the linkage between the elite at the national level and at the international level explicit and by identifying the mechanisms through which this linkage is maintained, the author has made a useful contribution to the growing literature on dependency and neo-colonialism. It is a well argued book, written in a cogent framework It is a necessary reading for all those who continue to hold the fallacious belief that the World Bank or the IMF have little influence over India's policies and that these agencies generally work within the internal developmental thinking of a sovereign nation like India and for those who would like to know how the international agencies operate and influence policies.

—KULDEEP MATHUR

Comparative Government and Politics

S R. MAHESHWARI, Agra, Lakshmi Narain Agrawal, 1983, pp. 234, Rs. 80.00.

The present revolution in the stuty of comparative government and politics can be traced back to the 4th century B C. when Aristotle, the first political scientist, ventured on a description of the characteristics of the tyrannies, oligarchies and democracies which prevailed in the world around him Montesquieu, in the middle of the 18th century, grasped the essence of the Aristotelian holistic formulation of constitution in the light of a general frame of reference combining together mode of life, religious belief and the distribution of economic resources But despite occasional, sporadic and inchoate references to the comparative modulation of politics over the last 150 years, three questions remained unsolved till the advent of World

War II. First, why do some kinds of regimes thrive in some parts of the world and not in others? Second, how could we formulate a theoretical model broadening our approach, both horizontally and vertically? In other words, is it not possible to explore some parameter that may include both western and non-western types, and how can we relate the political process to the greater process of society as a whole? Last but not the least, taking into consideration all the variables of cross-national and inter-cultural symphony, is it possible to evolve a conjectural vitex for all types of governments and societies?

Prof Maheshwari in the first three chapters of the book deals at some length with the panoramic landscape of the emergence of 'comparative' outburst in the present study of government and politics. how against the onslaught of the above questions of enquiry the so-called traditional, non-comparative, parochial and static approach to the study of governments has been increasingly dwindling giving birth to the modern approach which, an essentially American ingenuity, transcends far beyond institutional structures and legal processes, and "which would be useful in discussing the political phenomena wherever they occur in the First World, the Second World, and the Third World"

Next, the author sets on to explore the content, growth process, applicability and rigours of the theoretical designs which such authorities as Merriam and Lasswell, David Easton, Gabriel Almond, Coleman and a few others have postulated for our sustenance into the world of comparative politics But he seems to have been appreciably alive to the fissures that develop with these 'models' For instance, at p. 52 he submits, "Almond's approach does fall short of a very successful attempt in the direction of a complete systematic theory" In fact, Almond notes that political systems can be differentiated by their 'capability', which may be defined as the way in which the political system performs as a unit in its environment More specifically, one of the aspects of capability is described as 'responsiveness' which varies in degree and which corresponds to the extent to which the political system meets demands formulated by the mass of the population or simply by some section of it

Almond's model was constructed in order to enable political scientists to compare the political systems of complex developed societies with those of developing countries in which structures were often less differentiated. Even when structures are fundamentally alike, they may operate differently, and this difference can be explained in terms of different attitudes and orientations of the individuals about role performance Role expectation and role performance are largely the functions of political socialisation, which means "the learning process as applied to the political system" In a very short but composite chapter, the author notes the different authoritative definitions of political socialisation and also explains the functional properties of the agents.

From Chapter VII onwards, the author has taken up institutional structures like executive, legislature, bureaucracy, political parties, interest groups, and military, and analyses each of them against the backdrop of normative and methodological concerns.

Chapters XVI and XVII are devoted to a study of the causes, stages and personnel of revolution, and the various concepts and indicators of development One is bound to be struck by the stimulating freshness of expression which the author brings into play while discussing in a short compass the contributions of Lucian Pye, Samuel Huntington and those of the Committee on Comparative Politics in the US A section on 'modernisation' would surely have added to the richness of this chapter The reader, however, would immensely be happy to read through the pages where the author glances at the ideas of Karl Popper as the paladin of the Philosophy of Science and scientific methods The last two chapters under the respective captions 'Political Analysis' and 'Theory-Building in Social Sciences' cater to the intellectual greed of the serious academic

The book is mainly addressed to the students of post-graduate classes in comparative government and politics But anyone interested in the ongoing debate on methodological and analytical concerns will also find it interesting and helpful In a lucid style, the author provides us with important insights into the central characteristics of the modern political analysis and his approach to the subject is remarkably simple and scientific The book can be divided into three broad spectra. (*a*) approaches to the study of comparative politics—the traditional and the modern, (*b*) application of the modern tools and models to the specfic institutional structures, and (*c*) a projection into the future—and in each arena the ideas descend in a logical order The author exposes first the problem in all its contours, then makes its applications and finally discovers its merits and lapses While referring to the views of the authorities on the subject he does not feel shy of noting his own reflections and dispassionate judgment on it In all respects, the student community and others would appreciate the book as highly informative, objective, and thought-provoking

—SYAMAL KUMAR RAY

Strategic Management of Development Programmes—Guidelines for Action
SAMUEL PAUL, Geneva, International Labour Organisation, 1983, pp. 137, 17 50 (Swiss Francs)

Development programmes abound in Third World countries. Resources —men, money and materials—are invariably scarce. In such an environment, it is necessary to ensure the success of these programmes. Unfortunately,

the normal view in regard to such programmes is that they are generally unsuccessful because of poor planning and/or implementation.

Paul has studied some of the most successful development programmes in a number of countries and then compared these in an effort to bring out commonalities amongst them and to conceptualise on the strategic management of development programmes. While doing so, in this book, he has drawn from the experiences of these programmes. These include the small holder tea development programme in Kenya, the national dairy development programme in India, the Indonesian population programme, the Philippine rice programme, and the rural education programme (Conafe) in Mexico.

The book, with a focus on strategic management, has nine chapters. Chapter 1 deals with the nature and scope of development programmes. The author briefly reviews the gradual evolution of the developmental process from macro to micro planning and highlights the widening gap between promise and performance. He identifies four common characteristics of development programmes as policy sanction, development focus, organisational identity and replication Taking the life cycle of such programmes in three phases—namely, pilot, replication, and maturity—he emphasises that management problems are most severe during the replication phase because it is here that the formal systems replace the informal ones encountered during the pilot phase

Chapter 2 looks at the pre-conditions of performance in the public context Differentiating public and private management, Paul elaborates on three constraints faced by development programme managers Firstly, such managers do not decide goals since it is the policy-maker who does so In fact, these managers are quite often faced with the complexities of diverse, multiple and conflicting goals Secondly, he has few means to choose from since procedures, organisational process and practises in government are generally rigid Finally, the orchestration of goals and means is often constrained This is because of the large size of government, centralised decision making processes, weaker emphasis on accountability for results and diverse political pressures all of which weaken the orchestration of goals and means The author then lists the following four determinants of performance. quality of management, political commitment and support, resource availability, and quality of programme leadership in facilitating successful outcomes

Chapters 3 to 8 bring out the concept of strategic management, its components and their inter-relationships Strategy being the set of long-term choices that the programme leaders make in terms of goals, services, policies and action plans, Paul defines strategic management as, "the set of top management interventions which provide the framework for all operational decisions and actions and hence facilitate effective performance" He further identifies four key influences which together determine the per-

formance of a development programme. These are: the environment of the programme, the programme strategy, its organisation structure, and its organisational process.

The programme performance is influenced not only by each of these factors but how they interact, *i.e.*, by the degree to which they are consistent with and reinforce one another.

Giving a three-dimensional framework to environmental analysis, Paul states that it should be undertaken not merely when a programme is established, but throughout its life cycle. In terms of formulating strategy, he feels that the following three questions must be asked:

(*i*) What is the service or output of the programme, *i.e.*, the content of the service?
(*ii*) For whom is it developed, *i.e.*, the beneficiary?
(*iii*) When is the service to be provided, *i.e.*, its sequence?

These relate to the goals. According to him, the three basic tasks include public response to a programme service (demand), the task of delivering the service to the public (supply), and mobilising resources for the programme through the key actors in the environment. He concludes that strategy formulation is an "interactive process, those who are involved learn, adapt and resolve conflicts as they move on".

In chapter 6, Paul defines 'structure' as the durable organisational arrangement by which a programme accomplishes its tasks. He suggests that first one must analyse the critical features of a programme's environment and strategy. Thereafter, the choice of the structural form, degree of decentralisation and autonomy can be derived from such an analysis. However, it is necessary that there is a proper 'fit' between the strategy and structure.

Chapter 7 discusses process interventions, wherein organisational processes are seen as the instruments by which managers influence the behaviour of the employees and beneficiaries of a development programme. While the process of the legislative branch may well be more participative, those of the executive branch are rightly seen by the author as hierarchical, less flexible and with a focus on observing procedures rather than achieving results. The accountability is seen more in terms of procedures and much less in terms of performance and results. The author identifies four critical organisational processes, if such programmes are to succeed. These are: participation, human resource development, monitoring and control, and motivation.

Having discussed the inter-relationships among environment, strategy, structure and process of development programmes, Paul emphasises the need to ensure a congruence amongst them if programmes are to succeed. He rightly concedes that no simple guidelines can be offered to bring about

this congruence, though it can certainly be facilitated by a better understanding of the environment of the programme and its objectives He concludes, by presenting in two sections, some important areas of early action that practitioners should bear in mind when they plan to introduce strategic management in the case of new programmes and also for existing ones. While the former must begin when the programme idea is born, *i e*, even before project formulation, the latter is certainly a more difficult task

At the end of each chapter, the author has raised certain questions and guidelines to facilitate a review of the concepts While these would help the practising manager to apply them to his context, they would be of great help in training programmes also.

The book does not merely present a conceptual or theoretical framework Its richness dwells in the fact that the author repeatedly draws on the experiences of many successful programmes in different countries to substantiate the concepts. In that process, each aspect of strategic management has been lucidly discussed The book is strongly recommended for programme leaders, managers, management and other training institutions, and for the policy-makers and senior administrators

—INDERJIT KHANNA

Training of Development Administrators

HARI MOHAN MATHUR, United Nations Asian and Pacific Development Center, Kuala Lumpur, Malaysia, 1983.

The role of development administrator has been identified as crucial in any development undertaking There is a strong acceptance and common understanding of the fact that the development administrator can be a constraint or a factor to facilitate the achievement of development objectives It is primarily the significance of this role that training has emerged as a critical strategy to build the capability of the administrator to contribute meaningfully to the acceleration of the development process Currently, training is fast gaining recognition as an important force in developing a sense of efficacy, commitment and dedication of the administrator to the concerns of development

The book under review is, therefore, very pertinent and timely for all engaged in the training of development administrators It draws attention to what training programmes can do to reduce the consciousness gap between the leaders of society and the masses of people It also shows how this can be done The book offers essential considerations in conceptualising and designing training-programmes for development executives It emphasises the need to carefully plan training programmes for development administrators, for training to be effective as a development strategy. In addition,

the book raises very valid issues and concerns which trainers and training managers ought to consider in planning training programmes for government executives.

This book should also be useful to the development administrators themselves. This could ignite meaningful insights on the sensitive role that development administrators play in the development process. It will help to develop awareness that they constitute the critical mass on whom hinges, to a large extent, the improvement of the quality of life of the majority of the people who comprise the impoverished sector of the population Hopefully, these insights will enable them to draw conclusions and decisions regarding their future commitment as development administrators. On a long term basis, it is expected that the changes that this book will bring about in the minds of the development administrators will contribute significantly to helping de-alienate man from factors that tend to inhibit the fullest realisation of his natural potentials

This book puts together a number of selected technical papers the result of which constitutes a valuable resource book on the training of development administrators It is divided into five parts as follows:

PART I provides the rationale for urgency to train development administrators

PART II presents experiential data to support the urgent need to improve the administrative and managerial capability of development administrators. Further, since rural development is a *sine qua non* of development in the Third World countries, it also highlights the importance of developing specific administrative and managerial skills relevant to the unique problems and challenges in the rural areas Finally, this part of the book discusses what an effective training for public enterprise managers constitutes It contains basic considerations in planning training courses on public enterprise management.

PART III explores the basic issues and concerns related to the different aspects of training for development administrators Induction training *vis-a-vis* in-service training; identifying training needs and formulating training objectives; development of training materials and selection of training methodologies; training of trainers, and the importance of top-level support to help ensure success of training efforts, are but a few of the problems discussed in this part of the book

PART IV presents Indian experience in the training of development administrators. It devotes substantial space to the present state-of-the-art of the training of development administrators in India This includes training in support of administration and management in both local and intermediate levels

PART V focuses on cooperative efforts among the Third World countries on the training of development administrators It also contains an assessment of India's capability as well as that of the UN and its agencies to

contribute meaningfully to an effective South-South cooperation, particularly on this subject matter

While a large segment of the book devotes itself almost solely to India's capability in the training of development administrators nevertheless, this emphasis on the author's country of origin shares valuable lessons derive from the country's almost two centuries of institutional experience as well as the author's own experience as development administrator and educator. What is shared in this book certainly enriches the almost scant literature on the subject matter.

What is also particularly helpful with the book is a constant reminder to all that training alone cannot be a cure-all for all problems relating to lack of management competence of development administrators The success of any development programme lies in a number of variables of which training is just one, albeit, an important factor As such, training cannot be viewed in isolation from other elements in management and administration system. This is one of the most significant messages of this book

Finally, while much can still be done to organise this book to ensure a smooth, coherent and integrated flow of the messages intended by the author, the book, as is, is a rich source of material for all those engaged in the business of development

—MRS. MILAGROS T MANLONGAT

Military Regimes and Development: A Comparative Analysis of African Societies

T.O. ODETOLA, London, George Allen & Unwin, 1982, pp. 200, £ 3 95.

The Anglo-Saxon norm of political neutrality of military is not deemed appropriate everywhere, nor political violence regarded as aberrant behaviour in Latin American, African, and some Asian countries In some developing countries, military may even be permanently included in the constitutional and governmental arrangements Dr Odetola has re-examined, in a comparative framework, the role of military in the development process of three African societies: Nigeria, Ghana and Ethiopia Nigeria was his subject of earlier research, Ghana, in many respects fairly similar to Nigeria, affords good opportunities for comparison, and Ethiopia seems important because of the socialist orientation of its military ruler.

In course of reviewing the relevant literature, Odetola has examined three current views on the role of military in developing societies: first, military is a conservative and unprogressive force, second, military is an anti-revolutionary force, and third, military is the best organised institution, nationalist in orientation, and the most reliable manager of social change. Since none of these views is fully tenable by empirical evidence, Odetola, quite justifiably, suggests local specific studies rather than any generalisation

about military's role in developing societies He has critically examined some of the arguments usually advanced in favour of military role in the development of the Third World societies: (*a*) military has certain organisational values which give it a special role to perform in the modernisation of these societies, and (*b*) military constitutes the most highly skilled category of modern men in their societies. He has found these arguments partially valid. The military men are trained in the values of order and discipline but in Africa evidence of ostentatious living, indiscipline, corruption, involvement in crime, nepotism, and so on abound in military organisations. Nor can militaries always find it possible to employ their skills in developing societies, especially in Africa In some of the African societies, on the other hand, skill is available more in civilian sector than in military organisation.

With his academic specialisation in political sociology, Odetola has taken a fairly close look at the relationship between the military and social class, and how the military's social origins affect their performance in helping the development process. By 'development' he means a much broader process than change or growth A society can be said to be developing if its institutions are seen to be altering the pattern of behaviour, aspirations, and orientations of the groups and thereby affecting the structure and the pattern of group relationships in that society; economic growth would certainly be taken into account in this regard. Hence, he has focussed his analysis on the changing social structures and stratification in the African societies as these relate to the activities of military.

In African societies, militaries are expectedly oriented to nationalism. Before they play the role of arbitrator among competing social and ethnic groups, they attempt to build state power as a rallying focus for activities of the competing groups The relationship between military nationalism and the effort to build state power has consequences for the kind of economy and society which military would try to build. This particular relationship explains the differences between Nigeria, Ghana and Ethiopia : it has produced either state-controlled capitalist system (Ghana and Nigeria) or state-controlled socialist system (Ethiopia) Both these systems seek to provide social welfare under military rule The African militaries have used coercion and nationatism for developing their economies.

The author has examined civil-military relations with reference to political participation and political action, and military's ability to foster political integration and build political institutions has been examined. By making use of the *comparative method* of analysis, he has moved beyond the simple characterisation of military as either a conservative, anti-revolutionary or progressive organisation. The problems of development of African societies are multifarious and the more important of these include competition among the various elite groups, cleavages among the many tribal groups, and poor resources and low level of their mobilisation. Military comes in forefront of the development process by attempting to act as an

arbiter among the competing elite groups and build state power in order to lay the foundation for national cohesion and integration Military itself, however, is affected by this process One of his interesting findings is that social origins are not important determinants or predictors of military's political behaviour which is influenced by the available operational options and the values attached to each alternative course of action. Military builds up alliance with other social groups not on the basis of any value judgement but by calculating the groups' capability of helping the growth of state power.

Odetola's painstaking research and his tentative conclusions would undoubtedly help in understanding the basic factors responsible for different kinds of experience in different African countries This study is definitely a valuable addition to the growing literature on comparative politics in general, and military politics, in particular After going through the analysis presented in the book, it becomes clear that simple characterisation of military as progressive or reactionary and efficient or inefficient has no meaning What is needed is the study of detailed regional variations which should always be emphasised in any study of comparative politics and government Although not conducted within the framework of Marxian analysis, Odetola's study has brought out fresh and significant evidence to show that in the politics of the third world countries the concept of state power is assuming increasing importance That the nature of the state has to be understood in terms of its class (also ethnic, where necessary) character might sound Marxian, but that seems to be the most logical way to understand the nature of the state.

Based on many concrete data and some amount of insight, the present study shows that the studies made of the Latin American military regimes need to be supplemented in terms of fresh analytical models In near future, one can hope that scholars from South-Asian countries would also come forward with their studies of military regimes in their part of the world Then only can one obtain a clear idea about the role of military regimes in the total societal development of the Third World countries. The role of army in the Third World countries can be understood only in the light of the influence of local environment on the military's role and with reference to such local issues as inter-elite conflicts, slow rate of economic development, inflation, and corruption

—ASOK MUKHOPADHYAY

Rural Development: Theories of Peasant Economy and Agrarian Change
JOHN HARRIS (Ed), London, Hutchinson, 1982, pp 409, £ 6 50

Alarmed by the magnitude, persistence and perniciousness of various issues relating to the development, most of the developing countries launched

in 70s various programmes and initiated numerous strategies directly focussing on the alleviation of poverty with integrated rural development as one of the major thrusts The social scientists and other analysts also made their contribution by suggesting changes to mobilise energies of the poor for their own self-reliant development International agencies, national and local institutions have shown an abiding concern in this direction and their findings provide valuable lessons, which can help constitute the basis for a participatory development process providing hope to the teeming millions to alleviate their poverty, regain their dignity and status, and assert their presence on equal footing in a constructive manner amidst imbalances that have been created over centuries.

The collection of *Harris* provides a refreshing peep into the reality, though essentially meant for preparing the students for action and reflection. The multi-dimensional scenario of development process is unfolded slowly but steadily, steering clear of ideologies and political overtones The bias of the editor appears to be purely academic coupled with objective and analytical insights.

The editor has started with a sound premise that rural development refers to a distinct approach, *e g*, interventions by the state in the economies of underdeveloped countries and one which is at once broader and is more specific than agricultural development. The main objective of the effort is not to say how rural development should be achieved but to provide a basis for the analysis of the processes that make rural societies and economies what they are and substantially determine the changes that take place within them In the selection of the papers, the underlying concern has been to acquaint the reader with different types of approaches to the study of agrarian problems The papers which have a bearing on *systems* approach include studies which emphasise environmental, technological and demographic factors and which seek to explain their interrelationships within farming systems The other two approaches analysed are decision-making and structural/historical, with a little overdose of the latter. However, the central debate underlying the selection is between what may be broadly characterised as the 'differentiation perspective' on the one hand and the notion of 'specific peasant economy' on the other. Byres, as an exponent of the 'differential perspective', stands opposed to both Johnston and Killy, and to Lipton, who advocates ideas firmly grounded in conceptions of peasant economy But the editor accepts both the perspectives as relevant Thus, there is nothing new in the book which is not known to a serious scholar of rural development However, since the editor had to keep the interest of student community in mind, he cannot be blamed

It is the last part of the book which has a special significance to the developing countries The interventions of the state profoundly affect agrarian societies, which do not always conform to the stated objectives of such interventions Thus, there is at times a political consideration to involve

the poor to strengthen one's foit. Some of the papers included are very critical of much that has gone in the name of rural development but without suggesting an alternative strategy.

Though there are a number of thought-provoking articles published on the theme of alternative strategies of developments which very well fit in the theme of the book, but the editor thought it wise to omit Again, to include extiacts from the works of Lenin and to ignore Gunder Frank in the twentieth century is not a wise decision It is true that all one wishes cannot be included in a small volume due to limitations of space and other considerations but to include five papers out of a total of 17 from one particular journal, *e g* , *Journal of Peasant Studies*, does reflect a tilt which could have been avoided with a little care One of the questions, though not entirely relevant to the present review, is how far is it admissible to ignore excellent papers of the scholars of the developing countries in the journals published in their home countries. Though the articles relate to the developing countries more than ninety per cent papers selected are from the journals published in the developed world Again, though the book is meant for students of the developing world, the price is on the higher side which only those in the developed world can afford

The editor is adept in selecting readymade papers which are not too long, repetitive or tedius but, however, he could have meaningfully conveyed what he wanted to by reducing the number of setected articles by half In developing countries, education, skills, and self-reliance are completely monopolised by the rich and the powerful In this context, governments have to take the responsibility for reaching the majority of the poor Effective management has to be coupled with authority and proper coordination In the long run, effective people's participation is to be assuied so that the needs of the local people are fully satisfied The greatest casuality in the theoretical and applied discussion in the volume has been an inadequate treatment to administrative aspects. These have only been referred to at various places without suggesting any solution This collection at best raises curiosities and to satisfy these one has to look elsewhere In sum, the collection presents a static view of a dynamic concept.

—S K. SHARMA

In the Shadow of Organization

ROBERT B DENHARDT, Lawrence, Kansas, The Regents Press of Kansas, 1981, pp 157, $ 17.95.

In his enlightening critique of the structure and ethics of present-day organisations, Robert B Denhardt focuses on the pursuit of individual growth and development in an organisational society Through a clever

integration of relevant theoretical and empirical literature in various social sciences, he develops a unique analysis of the plight of an individual as a consequence of the 'rational model of administration'. Critical of purely abstract 'Theoria' (Aristotle's description of the pursuit of knowledge for the sake of knowing), Denhardt emphasises the necessity for unity between theory and 'Praxis' (practice) in order to facilitate social change. In the interest of such change, he presents a discussion of steps which may be taken to develop an alternative philosophy of life for the individual in an organisational society

As an introduction to his analysis, Denhardt directs reader's attention to, what he deems an urgent concern in contemporary organisational society the need to "give primacy to the growth of the individual rather than the efficiency of the productive process". He contends that emphasis on the productivity has come at a severe cost to the individual, and the extent and nature of this cost needs to be carefully evaluated.

Initially, Denhardt provides a foundation for understanding the deepest concerns and difficulties faced by individuals in modern society. He contends that the basic struggle of individuals living today is very similar to that of individuals living in earlier times. The struggle involves an establishment of one's own meaning and identity, development of contents of action to pursue meaning, and establishment of continuity between one's own life and surrounding universe. However, life in a society, where bureaucratic organisations predominate, involves a set of circumstances which pose unique barriers to that basic struggle. Specifically, Denhardt describes the contemporary nature of organisational society as the source of these barriers arguing, "organized systems are inherently based around notions of regulation and control". As we are inevitably involved in organisations, we are socialised to accept hierarchy and bureaucracy as a part of our socially-constructed reality. This acceptance of regulation and control threatens our capacity to construct our own unique meaning and to make independent choices about courses of action to pursue in our lives. Individual choice is deemed critical as it "provides the connecting link between meaning and action".

Relating to the fundamental concerns of the individual, Denhardt proceeds with an analysis of the "rational model of administration" and its negative impact on the individual In the rational model, which follows Weberian thought, organisational behaviour is expected to be characterised by rationality, impersonality, and hierarchical authority Denhardt contends that scholars in organisational theory still are critically influenced by the elements of Weberian thought Yet it is precisely this preoccupation with the 'rational model' that ignores the plight of the individual.

Herbert A. Simon's *Administrative Behavior* treats administration as a science in which individuals can only be described as rational when they act in support of organisational goals Thus, the individual is expected to be

moulded to perform tasks for the organisation's purpose, disregarding his or her own ethical or moral judgements. While Simon portrays organisations as value-free instruments for obtaining 'rational' goals, Denhardt's critical insight is that the rational model is actually value-laden First of all, the rational model stresses efficiency at the exclusion of any social or individual concerns Secondly, it is those in power who select the particular goals of an organisation and define them as rational Then, the powerful 'elite' select the members of the organisation and require conformity to their pre-selected goals. Therefore, the judgement that an individual is 'rational', and thus 'good' according to the rational model, depends solely upon whether or not the individual conforms to the standards defined as 'rational' by those in position of power in the organisation

As stated by Denhardt, "the rational model of organization provides the same justification for actions as that presented at the Nuremberg trials, that the efficient execution of one's orders is the proper task" Not only are there social concerns with such a mentality, but the growth and development of individuals is entirely stunted Individuals are neither allowed to express emotions or ethical values nor are they encouraged to develop their own 'rationality' or meaning

Returning to Denhardt's discussion of every individual's basic struggle, it appears that organisations limit and obstruct a member's attempt to achieve meaning in his or her life. This inability to pursue one's own meaning could lead to alienation, retreat, and an inability to relate to others in a non-instrumental way However, it could also lead the individual to violence and destruction, which raises concerns at the societal level

Organisations, according to Denhardt, are very similar to science in that both are based upon "the belief that in order to control behavior it is necessary to treat as objects those things or those persons being controlled" Both science and organisations were developed as a method of control, and in the process of achieving control, have objectified, rationalised and depersonalised individuals Denhardt contends that individuals must overcome this objectification and instrumentalisation if they are to find meaning in their lives

After analysing the problems faced by individuals in an organisational society, Denhardt suggests that both humanistic psychologists and behavioural theorists (for their focus on how social forces shape the individual) have failed to understand the true nature of human behaviour because of their ethnocentric biases He contends that the psycho-analytic perspective does well in characterising the relationship between self and society without accounting for the role of internal forces affecting individual actions Jungian theory is discussed as an especially worthwhile analysis of an individual's personality In order to achieve 'individuation' or self-knowledge, Jung states that all functions of the personality must be developed. Since organisations stress the functions labelled as 'sensing,' 'thinking,'

and 'extroversion' and largely repress the functions of 'intuition,' 'feeling,' and 'introversion,' individual members are not encouraged to develop all of their possible functions and do not reach 'individuation'. Thus, Denhardt argues that when individuals confront a problem psychologically, they attempt to use their inner resources to develop all of their functions.

Utilising a psychological perspective, Denhardt discusses the importance of human action in shaping and changing social forces rather than merely being shaped by social forces. Jurgen Habermas's critical theory is utilised as a valid denouncement of Weber's contention that bureaucracy is 'inevitable' Habermas argues that the nature of bureaucracy is subject to change through human action. Integrating critical theory into his psychological approach, Denhardt suggests that a new sociology of organisation be developed to reconcile the realms of 'choice' and 'regulation' and to encourage individuals to pursue their own goals. This new approach should not merely discuss 'Theoria' (theory), but should unite it with 'Praxis' (action or practice) in an attempt to enact change.

As a final factor in the individual's need to pursue meaningful action, Denhardt discussed the importance of attaining immortality. Though physical death can not be overcome, it is suggested that death can be transcended symbolically through culture In groups, individuals may find meaning However, Denhardt argues, "to the extent that leadership comes to be viewed in terms of domination, especially rationalized, hierarchical domination, the quest for immortality is undermined." Instrumental leadership limits and regulates the aspirations of the groups, thus barring group members from actualising their fantasies

Concluding his analysis, Denhardt brings together the insights from phenomenology, critical theory and depth psychology to encourage individuals to move beyond rational organisation He suggests that our current culturally constructed view of reality is somewhat deceptive, since it "serves the interest of the organizationally powerful to the exclusion of others." Silverman's use of phenomenology is recognised as a desirable way of studying organisations through the 'meaning-structures' of its members. The critical theory of Horkheimer emphasised finding of freedom through criticism of undesirable conditions Denhardt contends that criticism (in order to be effective) must be accompanied by an emotional reaffirmation of life as expressed by Otto Rank in the concept of the will

Finally, Denhardt suggests steps an individual might take toward establishing an alternative philosophy of life in an organisational society Specifically, he encourages the individual to integrate various 'functions' of the personality, develop individual creativity in the work environment, and assume responsibility for a more active and creative society In addition, he emphasises that individuals seek to understand others' meanings-structures, displace restricted communication, and develop non-dominating

leadership which encourages personal and group growth Through these measures, the author argues that an individual might satisfy his or her needs for meaning, action, and continuity.

In criticising the structure and ethics of organisations, Denhardt is not alone or unique. Modern behavioural theorists have, in fact, argued that not only is the individual's potential growth stunted in a hierarchically structured organisation, but that individual's full contributions to the organisation are also barred Though Denhardt may agree with this point, he parts with modern bahavioural theorists when he contends that individuals are able to shape their own destiny.

A behavioural theorist is much more likely to realise the importance of social and cultural forces, values, and normative expectations in shaping each individual The behavioural theorist might even criticise Denhardt for overlooking the importance of these social forces They might question the extent to which individuals can develop their own 'unique meaning' when their values and perspectives are shaped by their society and culture. Initially, Denhardt recognises the impact of socialisation in influencing individuals to accept organisational regulation and hierarchy, yet he fails to propose a method of changing the values perpetuated in the socialisation process. Without such a method, societal-level change cannot be achieved. By limiting his proposed solution to the individual level in a psycho-analytic perspective, Denhardt overlooks the importance of societal values which will continue to shape individuals as well as their environment If, for example, an organisation holds a 'Theory X' view of human nature, the top-level managers are likely to structure the organisation hierarchically with highly rigid rules and procedures Therefore, even after an individual employee follows Denhardt's proposed steps toward 'individuation' and development of creativity at work, he or she may still be faced with a rigid and unaccommodating environment

Denhardt cites the work of various radical theorists from the Frankfurt School in an attempt to support the idea that social forces can be changed by human action. However, those belonging to the Frankfurt School would tend to diverge from Denhardt's focus on individual as the unit where change should occur. Karl Marx, whose ideas provided the foundation for the Frankfurt School, argued that social change results from a collectivity of human beings striving for changes at the societal level.

Though Denhardt's proposed suggestions appear to apply most appropriately to individuals, his organisational critique does in fact have implications for management. Managers could promote individual growth by developing a flexible structure which rewards individual creativity Communications could be decentralised with an emphasis on reciprocal relationships and mutual trust. With intentions to support individual growth, leaders could strive to encourage each individual to develop his or her potential and facilitate utilisation of all personality functions. Although

Denhardt does not suggest in detail what steps should be taken by management, it can be implied from his critique of organisations what kind of actions would produce desirable results for individuals. Although the literature focusing on the concerns of individual growth and development in modern, complex and hierarchically structured organisations continues to appear, the work of Denhardt stands out as an outstanding original piece of literature on the subject that is expected to generate a stimulating intellectual discussion highlighting the concerns of individual growth and achievement of a more humane organisation.

—D.S. CHAUHAN

Public Control over Public Funds in Private Sector in India
L.N GODBOLE, Bombay, MMC School of Management, 1981, pp 280, (Mimeographed)

This is a study about a very important subject on which not only very few studies are available, but even in terms of factual information, there are serious gaps Presently, the subject of public control over public funds in private sector has assumed very topical importance because of the controversy concerning a large number of investment incentives given to non-resident institutions and the consequent scare of takeover bids by non-resident Indians, regarding well established and reputed companies. Actually following from the findings of the Industrial Licensing Policy Enquiry Committee Report, there has been considerable debate about some of the largest private companies in which public funds are predominant alongwith the insertion of convertibility clause Resulting concept of joint sector evoked strong protests from the large industrial houses and JRD Tata came forward with an alternative concept of joint sector in which public institutions will become a means for providing investible resources placed under private control.

The debate over such issues, particularly in India has been there for some time One remembers the Gandhian concept of Trusteeship which was advanced for reconciling the issue of public *versus* private control The present study deals both with the theoretical issues connected with the control of corporate sector in which a large amount of public funds have been invested and goes on to undertake an empirical examination of the issues involved In an exclusive chapter, the issue of public control is separately dealt with in which the ends of public control are related to various methods of control The various methods in achieving public control which the author has discussed, include workers' participation in management, shareholders associations, professionalisation of management, nationalisation of companies, public trustees and social responsibility of a

company The author puts forward the concept of public trustee directors for achieving public control

In discussing nationalisation of companies, the author brings up the issue of a dilemma facing the public sector He quotes Galbraith to make this point, "In all modern countries, socialism has become the dustbin of capitalism... public ownership and operation must succeed in those industries like housing and health care where capitalism has never worked capitalism has the successes, socialism inherits the failures.. failed corporation is the second socialist imperative" The author shows that even in his sample, there were the cases of Kamani Engineering Corporation, National Rayon and Central Paper and Pulp in which the state has to undertake active management control role only after the core management has sucked those units dry Similar is a case of coal mines

The author concludes that power is the basic motivation for controllers of the corporations whether they be core management, trade unions or elected representatives of the people He argues that given the power of the techno-structure, their ideological bias plays an important part in determining the direction and content of control. He makes a somewhat untenable distinction between productive social justice and redistributive social justice Many of the problems, one finds oneself faced with in this book, arise from this distinction In any case, there is a very useful discussion incorporating Indian peculiarities through the concept of core management The author makes an important point when he says that the ends of public control are not restricted to mere representational issues. On the basis of a sample study, the author undertakes an empirical examination in connection with efficiency index for resource utilisation There could be many differences of opinion with respect to both his theoretical framework and his empirical findings but there is little doubt that the author has painstakingly presented the lot of useful information in a very systematic manner As a result, it is possible to undertake many more studies of the very important issues tackled by Dr Godbole Insofar as the issue has become a prominent current issue, this study may well be taken as a very important beginning.

—KAMAL NAYAN KABRA

The Welfare State in Crisis

ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, Paris, 1981, pp 274.

Almost all modern governments of the world are increasingly faced with crisis on all fronts—particularly economic and social—such as growing inequalities and the closely related problems of poverty, under and

malnutrition, ill-health, illiteracy, etc. The crisis has both national as well as international dimension: its international dimension got manifested in the North South Dialogue

The Welfare State in Crisis is concerned with the crisis at the national domain but still it is not concerned with a particular country's case study. Being an outcome of a *Conference on Social Policies in the 1980s* of the club of the first world, it focuses on the general national problems of capitalist or mixed economies and the free politics of the rich countries of the world. But since both rich and poor nations are facing some identical problems, like severe unemployment, high rates of inflation and growing inequalities within the economies, the experience of the rich countries is of great interest to the poor nations In fact, both sides can learn much from each other.

It is claimed quite modestly that the study provides a diagnosis of the problems rather than the prescription Specifically the study is concerned with the following questions: (*a*) Has the pursuit of equality through a massive system of income transfers gone as far as it can, and should equality in future be pursued in other ways? (*b*) Are new values and economic preferences emerging in industrialised societies to such an extent that it calls for new priorities in social policy? (*c*) Can we develop new relations between work, leisure and employment to make full employment a feasible goal even under conditions of lower economic growth? (*d*) Setting aside different political attitudes to the role of the state, is there a secular trend in liberal industrialised societies towards reasserting the social role of primary institutions, such as the family and the local community? In that sense, are the countries moving from the concept of the welfare state towards the welfare society ? (*e*) How can governments develop the capacity to respond to such challenges?

These questions have been discussed under seven broad titles: (*i*) challenges facing social policy in the 1980s, (*ii*) relationship between social and economic policies, (*iii*) equality and efficiency, (*iv*) relevance of changing values and preferences; (*v*) work, leisure and employment; (*vi*) new perspectives on roles and responsibilities, and (*vii*) making and changing of social policy in the 1980s.

Apart from 17 papers contributed to the conference sessions by reputed academicians and policy-makers, including Lester Thurow, Maurice Peston, Rudolph Klein, and Nathan Glazer, the volume under review includes a very useful detailed proceedings of the conference, the opening address and two excellent reports of the debates of the conference, one by A H Hasley from a sociologist's point of view and another by V. Halberstadt from an economist's point of view. Besides, the participants figuring in debates include polic-makers from several countries—like Denmark, Italy, France, US, Belgium, Yugoslavia, UK, Austria, Sweden, Germany, Netherlands,

Norway and Japan—and academicians like B. Spehn, I Garfinkel, F. Forte, H. Wilensky, etc

Traditionally, the role of the welfare state was confined to intervention in the (re) distribution of what the economy produces for the families to consume The state, for this purpose, collects taxes and uses the proceeds to redistribute resources for education of children, providing relief to those temporarily out of job, maintenance of women not supported by male members, the sustenance of the old, and extending protection of the health and safety to the population as a whole The role of the modern welfare state is much beyond this. The state has to intervene not only in the formal economy but also in the informal economy and for providing a huge set of social services The modern welfare state has also to enter into production process directly In short, the modern welfare state has to ensure not only economic growth and efficiency, but also equality It has to maintain the social order and protect the values and interests of the society at large Thus, the role of the modern welfare state is both social and economic and without any dichotomy between its policies for both

But, as the several contributors to the volume make explicitly clear, the crisis in the welfare state has been the result of what can be called lack of integration or disintegration between the social and economic policies. "Economic policy-makers are caught fully unprepared to integrate social policy-considerations into their policies" and worse still is that the economic policy makers "are very little prepared to realise that *because of social policies*, today's markets do not function as the text books say and as other sources of conventional wisdom would have us believe" (p 29) The interdependent nature of the social and economic policies necessitates integration of the two as an appropriate response to changing social and economic conditions "If social policies were integrated with economic policies as well as with policies from other sectors, the greater awareness on the part of the policy-makers in each sector of the impact of their policies on other areas might reduce the burdens that now fall on social policies" (p. 63).

Regarding the familiar growth *versus* distribution controversy, the debate provides some interesting insights The "malaise in social welfare has nothing to do with speed-ups or slow-downs in the rate of growth . the greatest progress in terms of initiating social welfare programmes occurred when economic conditions were difficult, *e g* , the early 1900s and the Great Depression. The 1960s only marked another leap, but the first huge leap came much earlier when the economic situation was far from good" (p 50)

The point of view widely prevalent in the rich countries was that the growth of social policy—the overall level of expenditures, the range of services provided, the number of areas within which governmental social policy replaces private action or provides a service that was not hitherto a public responsibility—is reaching its limits In this context, Mr Albeda's

reference to third world countries becomes important He stressed the importance of relationship between lack of economic growth in OECD countries and the poverty in the third world countries. A kind of Keynesianism could be developed on a world-wide scale, if the rich nations undertake the task of financing the development of poor coutries. "It would, incidentally, give quite an impetus to the growth of the rich countries themselves, even though this was not the original motivation" (p 61)

In some countries, it is also criticised that the welfare state is an inefficient 'Colossus' because so much goes into it and yet so little is redistributed It is important to note that redistribution is not the goal of the policies of the welfare state, though important redistributive flows occur because of social policies of the welfare state Thus, "a fundamental aspect of the welfare state is that it is performing the functions that used to be performed by the society" (p. 49)

One important area which did not receive adequate attention in the conference discussions and the resulting volume relates to the political aspects of social and economic policies of the welfare state. These concern the power relations in the society and the distribution of wealth and resources between the classes or individuals in the society, to which social and economic policies remain subordinate

Though its relative relevance for Third World countries is restricted, *The Welfare State in Crisis* is an extremely valuable volume to researchers and policy-makers interested in social and economic policies of the welfare state, and provides significant insights into various aspects of the complex activities of the welfare state.

—JANDHYALA B.G. TILAK

Public Enterprise in India: A Select Bibliography, Volume II
M.P. NAYAR and DEVENDRA KUMAR, New Delhi, Budua's Press, 1982, pp. 166, Rs. 80.00.

Indian public enterprises, within the country and abroad, have now attained maturity after a prolonged period of skepticism and uncertainties stretching nearly to three decades We can now hopefully expect that these will discharge their envisaged role in building a very strong industrial base for the nation and facilitate acquisition of a towering status by India in the comity of industrialised nations that it fully deserves Truly, the gigantic structure of public enterprises, volume of investments, availability of mineral and other resources, enormity of available skills, and employment potential all together hold tremendous promise for realising rapid strides in industrial growth in a very short time. It is, therefore, quite natural on the part of

acedemics, policy-makers and others to evince keen interest in the activities in this crucial sector

This notion seems to be getting amply reflected in the bibliography volume under review The very fact that despite being a selection and that too covering a period of only 1980-82, the volume carries as many as over 1800 entries spread over about 140 pages (the rough average of entries per page is 13) If we compare this figure with about 3000 entries (230 pages) of volume I of the same bibliography, which covered nearly three decades preceding 1980, we can have a rough idea about the interest generated in this sector This analysis has been done only to highlight the growth of interest and any attempt to generalise thereon is bound to be very slippery for obvious reasons

The volume contains listing of select material from public documents, books, doctoral dissertations, articles from newspapers and periodicals The literature on departmental undertakings like P & T, railways and nationalised banks have again been omitted for reasons best known to the compilers The scheme of classification is exactly the same as was followed in the earlier volume

It is divided into two parts. (*i*) general and managerial aspects, and (*ii*) specific undertakings with a subjectwise classification (reports which deal with more than one undertaking have been grouped under 'miscellaneous' heading) Thus, the scheme of classification is easily comprehensible by all The compilers have also provided once again an exhaustive index at the end for quick and easy location of each entry

It is rather strange that though the compilers are professionals, they have failed to specify anywhere the period covered by this volume This is a simple omission on their part or a deliberate attempt to cover the blemish of including several entries brought out in 60s and 70s also (on which they obviously could not lay their hands at the time of preparing the earlier volume), has been left to the imagination of the users In fact, the bibliography starts with an entry published in 1978 the very first page contains half of the entries published in 70s But then this is only a 'technical flaw'

By bringing out the second volume, in quick succession, the compilers have demonstrated their resolve to persist in bringing out bibliography of select literature on the subject in future also and thereby keep the students, researchers, policy-makers and the general readers posted with up-to-date bibliographic information on the subject

The reviewer would again venture to repeat his suggestion that since the compilers have gained definite insights and familiarity with the literature on the subject it would be worthwhile for them to attempt a select annotated bibliography to serve the specific needs of the researchers in the ever-growing volume of literature on the subject.

This volume shall be of great use to individuals and libraries alike as an essential tool of reference for literature on public enterprises.

—M.K. GAUR



Observations and Recommendations of the National Police Commission

[The National Police Commission submitted eight reports in all We are printing observations and recommendations of only the first four reports along with composition and the terms of reference of the Commission in this issue

[Observations and recommendations of the Commission made in the remaining four reports (i e, fifth to eighth) will be reproduced in the next issue]

COMPOSITION AND TERMS OF REFERENCE

The National Police Commission was appointed under the Government of India, Ministry of Home Affairs Resolution No VI 24021/36/77-GPA-I, dated November 15, 1977 The composition of the Commission was as follows

(1) Shri Dharma Vira (retired Governor) (Chairman), (2) Shri N K Reddy (retired Judge, Madras High Court), (3) Shri K F Rustamji (ex-IGP, Madhya Pradesh, and Special Secretary, Home Ministry), (4) Shri N S Saksena (ex-IGP, U P, ex-DP/CRPF and at present Member, UPSC), (5) Prof M S Gore (Professor, Tata Institute of Social Sciences, Bombay), (6) Shri C V Narasimhan (presently Director, CBI) (full time Member-Secretary), who on his posting under Tamil Nadu Government (with effect from April 19, 1980) was replaced by Shri M D Dikshit (Principal Director of Research functioned as Secretary-Incharge)

The terms of reference were

1. Re-define the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.
2. Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses of inadequacies, and suggest appropriate changes in the system and the basic laws governing the system
3 Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability
4 Inquire into the system of investigation and prosecution, the reasons for delay and failure, the use of improper methods, and the extent of their prevalence, and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity, and how the related laws may be suitably amended
5 Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic
6 Review policing in rural areas, evaluate any new arrangements that have been made, and recommend changes that are necessary.

7 Examine the system of policing required in non-rural and urbanised areas including metropolitan areas, and suggest the pattern that would be the most suitable
8 Examine the steps taken for modernising law enforcement, evaluate the work of police communications, the computer network scientific laboratories and agencies for research and development and examine whether modernisation can be speeded up, examine to what extent, as a result of the modernisation of police forces, streamlining of its functions and its restructuring, it would be possible to economise in the manpower in the various areas of its activities.
9. Examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests.
10. Recommend measures and institutional arrangements:

(*i*) to prevent misuse of powers by the police, and to examine whether police behaviour, outlook, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;
(*ii*) to prevent misuse of the police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;
(*iii*) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;
(*iv*) for the quick redressal of grievances of police personnel and to look after their morale and welfare; and
(*v*) for a periodic objective evaluation of police performance in a metropolitan area/district/state in a manner which will carry credibility before the public.

11. Examine the manner and extent to which police can enlist ready and willing cooperation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such co-operation and measures for the growth of healthy and friendly public-police relationship
12. Examine the methods of police training, development, and career-planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong
13 Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal
14. Consider and made recommendations and suggestions regarding any other matter which the government may refer to the commission; and
15 Any other matter of relevance or importance having an impact on the subject.

First Report*

PREAMBLE

Police performance in India today is under close review and critical assessment by a demanding public in far greater measure than at any time in the past. Increasing crime, rising population's growing pressure of living accommodation, particularly in urban areas, violent outbursts in the wake of demonstrations and agitations arising from labour disputes, agrarian unrest, problems and difficulties of students, political activities including the cult

*Chapter XI, pp. 67-83.

of extremists, enforcement of economic and social legislations, etc, have all added new dimensions to police tasks in the country and tended to bring the police in confrontations with the public much more frequently than ever before. (para 1.1)

In public estimate the police appear as an agency more to implement and enforce the objectives of the Government in power as distinct from enforcing law as such as an independent and impartial agency The dividing line between the objectives of Government as such on one side and the interests and expectations of the ruling political party as such on the other side gets blurred in actual practice and the image of police as an impartial law enforcement agency suffers in consequence (para 1.1)

The basis and fundamental problem regarding the police today is how to make them function as an efficient and impartial law enforcement agency fully motivated and guided by the objectives of service to the public at large, upholding the Constitutional rights and liberties of the people (para 1 1)

In the view of the 1902 Commission, the duties of a Constable were to be of a mechanical character and he was not to be entrusted with duties requiring the exercise of discretion and judgment (para 1 3)

With the transition from foreign rule to independent, socialist, democratic and welfare State, the style of police handling of public order situations has had to change from an aggressive and mailed first attitude to peaceful and persuasive handling of agitating groups This change in police methodology has meant the involvement of a much larger number of police personnel to handle a given public order situation as compared to pre-Independence situation This has, in turn, meant the deployment of a larger number of Constables for interacting with the public and securing their cooperation by persuasion and appeal for maintaining public order This is a job which the Constabulary visualised by the 1902 Police Commission was not expected to perform in the old days (para 1 17)

The Constable of the present day has moved far from the predominantly mechanical role assigned to him by the 1902 Commission and has now to interact with the public in larger numbers in a variety of situations where he has to apply his mind, exercise his judgment, use his powers of persuasion and appeal and enforce law with public understanding and cooperation It is the Constabulary who form the cutting edge of police administration and face the public most during their visits to police stations and movement on roads It is the Constable's behaviour and response which create the first and foremost impact on the public mind The police image in the country is largely determined by the staff who function at the police station level The Constabulary constitute a large majority of this staff and form the foundation and base for the entire police structure Any attempt at a meaningful police reform has necessarily to start at their level only, since no restructuring of the system will be practicable or enduring unless the mass base of the system is rendered healthy and efficient (para 1 20)

THE CONSTABULARY

The Constable has been groomed in the existing police system to be an obedient, mechanical functionary, mostly acting in compliance of a specific order from his superior officer and not doing anything positive on his own initiative and judgement (para 2 6)

A sample survey of the actual work currently being done by the Constables in a few police stations in three States and one Union Territory has shown that 49% of their time is spent on duties which require initiative, exercise of discretion and judgment and also interaction with the public, 37% is spent on duties which are of a similar nature but do not involve interaction with public, and only 14% on duties which are mostly mechanical in nature (para 2 9)

The promotional structure within the police system is not conducive to the fulfilment of the legitimate career ambitions of the Constabulary With the system of direct recruitment at the level of sub inspector and the relatively meagre number of Sub Inspectors' posts

compared to the vast numbers of the Constabulary a large majority of the Constables retire as Constables without even one rank promotion in their entire career. No system can remain healthy if such a larger chunk of its personnel vegetate and waste out after working for nearly 30 years in the same rank at which they entered the system. (para 2.14)

Having regard to the changed needs of policing the country and the importance of making the Constable function as a responsible functionary with due sense of values, discretion and judgment in his interaction with the public, we feel that the existing system should be immediately changed to achieve the following objectives:

(*i*) The Constabulary should no longer be treated as a cadre meant only for duties of a mechanical character as visualised by the 1902 Commission. They should be so recruited and trained that they could be deployed also on duties involving exercise of discretion and judgment, with due regard to the paramount need for securing public cooperation and understanding in any situation

(*ii*) They should be able to assist the Sub Inspectors in inquiries and investigational work in a positive and purposeful manner.

(*iii*) They should pick up experience of such work over a period of 5 or 6 years and be in a position to handle investigational work independently and rise to the level of Assistant Sub Inspector and upwards by promotion

(*iv*) The promotional structure within the police system should be radically revised to permit a smooth and quick promotional flow from the rank of Constable It should be possible for a constable to rise by promotion to higher ranks—even the highest—by showing his worth in the performance of police tasks. (para 2.17)

In the revised set up a Constable would thus be looked upon as a potential investigating officer who could be entrusted with higher responsibilities in field jobs as he picks up experience and rises further by promotion on the basis of his performance at each level. (para 2 18)

The crux of efficient policing, in our view, is the effective and amiable street presence of a well qualified, trained and motivated Constable. (para 2 18)

The present position of the Constable is a far cry from the position described above Long and arduous hours of work without facilities for rest and recreation, continuous employment on jobs under extreme conditions of stress and strain, both mental and physical, prolonged stagnation in the same rank without even one rank promotion throughout their service for a majority of them, constant exposure to criticism and ridicules by a demanding public, a totally inadequate pay structure with no compensation for the handicaps and privations they undergo in their jobs, low status and lack of involvement in planning and executing field jobs with a full understanding of the objectives set by the police organisation, etc , have all had their telling effect on the morale of the Constabulary throughout the country The increasing educational level of the Constables—a trend noticeable in the recent years—has sharpened the edge of their frustration with their existing lot within the police system During our visits to several police stations and discussions with the Constabulary, their highly demoralised state was strikingly noticeable They have nothing to motivate them into meaningful and positive performance of police tasks with a full understanding of the implications and objectives of police action They function as automatons in situation where they are required to exercise their discretion and judgment They function rigidly in circumstances which require flexibility of approach and understanding of the opposite point of a view We are convinced that more changes in their training schedule will not bring about the necessary improvement in their motivation or performance unless some serious deficiencies in their living and working conditions which have long been neglected are immediately taken up and remedied (para 2 19)

PAY STRUCTURE

The Second Central Pay Commission (1959) which went into the question of the pay structure of the police under the Central Government had fixed the pay scale of a Constable at a level equal to that of 'lower semi-skilled' worker The Third Central Pay Commission (1973) upgraded the status of the constabulary by taking them out of Class IV category and fixed their pay scales at a slightly higher level, without specifically expressing an opinion whether or not a constable should be rated as a skilled worker (para 3.3)

The minimum qualification for recruitment of a constable in many States is now fixed as matriculation Recruitment is followed by a period of intensive training in specialised skill including a course in law which is very important for a police functionary The duties on which a constable is even now employed call for considerable initiative and exercise of judgment In fact, in the revised police set-up we are visualising a role for the Constabulary which will require a lot more initiative and capacity to exercise judgment in dealing with public situations He will also be required to perform a part of the investigational duties that devolve at the police station level In many situations even now he has to function by himself, exercising his judgment of the situation and acting according to its needs under the law A thorough knowledge of law is now required on the part of every constable and will be required in greater measure for satisfactory performance of his duties All these requirements of the role and duties of a Constable clearly make out a case for rating him as an operative somewhere between a highly skilled worker and skilled worker, as defined in a notification issued by the Ministry of Labour in September, 1976. (para 3 14)

We feel that full justice has not been done in the past to policeman in regard to his pay structure *vis-a-vis* other services Despite the relatively low status accorded to him in public services, the policeman has time and again shown commendable loyalty to the call of duty and has always been principally instrumental in maintaining public order even in the most trying situations In times of crisis brought about by strikes in important and vital sectors of Government as well as Public Undertakings like Railways, civilian employees in Central Government, etc , it is the police that stand by the side of law and maintain order despite severe handicaps and restraints We strongly feel that the case of the policeman for a rational pay structure should not be deferred any longer but should be resolved in a fair and just manner to sustain police morale which is most important in the context of growing developments in the country The base of all progress in a country is peaceful existence of law and order and no country can afford to ignore the needs of the machinery and personnel responsible for the maintenance of law and order except at considerable period to orderly progress (para 3 15)

On a careful consideration of the various factors which attend the working of the Defence Forces and the Police, we feel that there is no rational basis for comparing one with the other in regard to pay and other emoluments The requirements of each have to be dealt with on its own merits without any comparison as such (para 3 16)

We feel that an armed police Constable as well as a civil police Constable should be rated at the same level with regard to their qualifications for recruitment, professional training and subsequent assessment for further promotion Having regard to considerations analysed earlier, we recommend that the police Constable, both on the civil side as also the armed side, should be rated as 'skilled worker' for determining his pay structure *vis-a-vis* other public services in the States (para 3 17)

Policemen are obliged to work even on Sundays which are normally off days for all workers They should be compensated for this extra requirement of duty by having a strict system of giving one day off in a week by rotation among the Constabulary in any working unit The idea underlying this system is to ensure a day of compulsory rest for every Constable once a week On extraordinary occasions when this is denied to him during one week, this should be given to him in the succeeding week, in addition to that week's rest day.

In any case, denial of this off day and compensating him by paying him extra allowance for that day is to be strictly discouraged (para 3.19)

Policemen are also obliged to work on other gazetted holidays which are notified as public holidays and are usually occasions for enjoyment and rest by the community at large Such occasions invariably call for additional deployment of policemen for law and order duties for containing the exuberance of the holidaying public Many policemen are unable to avail their normal entitlement of leave every year, being called on to remain on duty to meet the ever increasing demands of manpower for incessant law and order duties. This obligation to work on other gazetted holidays and inability to avail normal entitlement of leave every year should be compensated by entitling a Constable to 15 days' additional leave every year besides what he is normally entitled to in common with other Government servants, and further enabling him to encash the entire leave (including this additional leave) if he is denied leave in 'public interest'. (para 3 20)

Policemen work for long and arduous hours on most days of duty, very much in excess of the normal eight hours A survey has shown that the normal working time put in every day by an average subordinate police officer employed on public order or crime investigational duties is 13 hours We have carefully examined the question of compensating the policemen for their long and arduous hours of work The system of overtime allowance provides this compensation to employees in the industrial sector and the civilian staff under the Central Government who come under a prescribed definition of office staff. A policeman has every right to be considered for similar compensatory payment for the enormous load of overtime work he bears in the normal course of discharge of his duties. We feel it would be grossly unfair to him to hold that under the law he is on a 24 hour call of duty and therefore the matter ends there. It would be invidious to deny him the concept of overtime allowance, while large sections of his brother employees in the public sector or under the Government are allowed this facility. We are, however, aware of the practical difficulties that are likely to crop up in working out the overtime allowance system for the police personnel on the same lines as now implemented for the civilian staff Prior authorisation of overtime work by individual policemen on a day to day basis may not always be practicable because the extent of overtime work is often determined by the developing needs of a growing situation, particularly in the enforcement of public order, as also during investigations of serious crimes which require prolonged pursuit of clues without any let up We are also aware of the scope for malpractices in the system of maintaining registers and computing overtime allowance on the basis of actual hours of performance of an individual's work from day to day We are anxious that, as a law enforcement agency, police should be particularly guarded against such malpractices creeping into their system We, therefore, feel that a different methodoloy has to be adopted for making this overtime payment to police personnel (para 3 21)

After a careful examination of all aspects of the matter, we feel that payment of overtime allowance for policemen need not be individually determined on the basis of registers and computation of hours of work put in day after day, but may straightway be fixed as 30% of his total emoluments, including DA and CCA This additional payment, may be designated as 'Overtime Pay', may be stipulated as payable to all police personnel from the rank of Constable upto and inclusive of the rank of Inspector working in police units which deal with public order situations and crime investigations Having regard to the nature of duties and responsibilities of the different branches of the Police, the State Government may notify from time to time the police branches to which the above system of overtime pay will be admissible Apart from such notified branches, individual posts in other branches may also be notified for this purpose if the duties attached to the post would entail appreciable overtime work by the subordinate police personnel holding that post (para 3 23)

The facility for encashment of unavailed leave during the year should be extended to the Constabulary in States where the arrangement is not in force now. In most States the

facility for encashment of leave on the date of retirement on superannuation already exists for all police personnel in common with the other Government servants subject to a maximum of 180 days In a few States the maximum is fixed at 120 days We would recommend that the maximum be increased to 180 days in all States and that this facility be also made available in cases of retirement on any ground, earlier than the date of superannuation. (para 3 25)

The conveyance allowance and washing allowance paid to the Constabulary are very low and unrealistic in some States We would recommend that each of these allowances to the Constabulary be raised to Rs 10 per month (para 3 26)

The Constabulary should also be provided with financial incentives for acquiring special qualifications as they progress in service which would be useful for bettering their professional performance We, therefore, recommend that a special qualification pay should be paid to policemen who acquire the following skills or technical/academic knowledge .

(*i*) proficiency in driving and motor mechanism,
(*ii*) proficiency in handling wireless equipment for transmitting and receiving messages,
(*iii*) proficiency in handling computers and electronic data processing machinery, and
(*iv*) acquiring a University degree higher than what he had already secured at the time of entering service in subject which would be of professional use to him For example, criminology, forensic sciences, etc

The quantum of special pay payble to each of these categories may be determined realistically having regard to the pay and emoluments drawn by similarly qualified personnel working in other services or the Private Sector in the States (para 3 27)

HOUSING

Ever since 1861, when the present police system was created, provision of free housing to non-gazetted police personnel has been recognised as the responsibility of the State (para 4.1)

As against the general principle enunciated over 100 years ago regarding provision of 100% accommodation (barrack or family type) to the non-gazetted police personnel, the actual position in the field at present is that more than 50% of the non-gazetted police ranks all over the country have not been provided with Government accommodation of any kind whatsoever Even among those provided with Government accommodation, a very small percentage alone have family accommodation and the rest are lodged in barracks For example, in Bihar which has about 49,000 Head Constables/Constables, family accommodation has been provided for only 4% among them Percentage of family accommodation in the rank of Sub-Inspector/Assistant Sub-Inspector in the State is 27 5 and in the rank of Inspectors it is 31 1 In Punjab it is only 10 3% of the constables who have family accommodation Percentage of family accommodation for the ranks of Assistant Sub-Inspector and Sub-Inspector and Inspector in this State is 17 6, 39 3 and 48 7 respectively In Uttar Pradesh it is only 14 9% of the constables that have family accommodation In Delhi it is only 20 7% of the constables who have family accommodation The overall picture that emerges is that the percentage of family accommodation provided to police personnel is very low and lowest in the rank of constables (para 4 2)

The deficiency in housing and increasing hardship in paying high rents for private accommodation secured with great difficulty operate as the largest single factor responsible for grievous loss of morale in police ranks, particularly the constabulary We, therefore, consider it a matter of great urgency that this condition of service which has remained neglected for many years be taken up for immediate fulfilment (para 4 2)

Among the police personnel yet to be provided with Government accommodation of any kinds as many as 89.1% are in the ranks of Head Constable/Constable. (para 4 2)

We recommend that in future, excepting for the requirements of trainees in a training institution or some sections of armed police units, all ranks of non-gazetted police personnel be provided with *family type accommodation.* The existing barrack accommodation may also be replaced by fresh construction of family quarters as and when the barrack accommodation is switched over for the requirments of a training institution or a similar purpose (para 4 4)

We do not find any rationale for the difference in the targets for family accommodation adopted by the State in their police housing programmes for different ranks The general picture that emerges is that a higher percentage of family accommodation is programmed for the higher ranks among the non-gazetted police personnel as compared to the Constabulary. We recommend that this distinction be immediately given up and the target of 100% family accommodation be uniformly applied to all ranks of non-gazetted police personnel. Having regard to the fact that the existing deficiency of family accommodation is largest in the ranks of Head Constable/Constable we would further recommend that the future police housing programme should be so evolved that the percentage of satisfaction regarding family accommodation for the constabulary is brought to level with that which obtains for the upper subordinates (para 4.5)

We feel that the indifferent handling of this problem in the past and a persistent tendency to accord low priority to it on account of financial considerations have allowed this problem to assume its present formidable dimensions which now make it appear intractable. We would strongly urge that from the point of view of improving police efficiency and sustaining the sagging morale of the force, the provision of housing to the Constabulary should be given high priority in financial allocations and the pace of investment should be substantially increased so that this problem may be solved within ten years. (para 4 7)

We have computed the approximate cost of construction of family accommodation for all the entitled personnel in all the States who are yet to be provided with Government accommodation of any kind The total expenditure involved in the project to complete the entire housing programme from the position as obtains today is about Rs 1,045 crores. If this programme were to be spread over ten years, the outlay in the first five year period will be Rs. 523 crores. The draft Five Year Plan for 1978-83 provides for Rs 105 crores for police housing within the Plan scheme. We understand that this is made up of Rs 60 crores for the State Plans and Rs. 45 crores for the Central Plan A part of Rs 45 crores set apart for the Central Plan will be utilised by the Ministry of Home Affairs in the normal course to render financial aid to the States for implementing their police housing programmes under the scheme of Central aid for such programmes Having regard to the importance of housing for sustaining police morale and efficiency in the increasingly difficult conditions in which police personnel have to perform their tasks, we would strongly recommend that the outlay on police housing under the State Plans in the Five Year Plan (1978-83) be increased to Rs. 523 crores Of this amount, Rs. 262 crores could be the investment by the States from their own resources and the balance of Rs 261 crores could be the financial assistance from the Centre The quantum of Central assistance in this scheme would be inclusive of the amount recommended by the Seventh Finance Commission for allocation to the States for this purpose on the non-Plan side (The Seventh Finance Commission has recommended capital outlay of Rs 82 86 crores in the non-Plan budget during the period 1979-84 for police housing in 15 States were the housing deficiency is comparatively large) We would not consider the total outlay of Rs 523 crores in a Five Year Period as financially unreasonable or impracticable if the importance of this scheme is realised as it should be In this context, we would like to observe that where the States are determined to make an investment in a scheme they consider important in any context, they are apparently able to find the money without great difficulty, as may be seen from the fact that in 1977-78, nine States, in which Assembly elections were due to be held, and announced several tax concessions and measures of relief to employees which amounted to

an additional commitment of Rs 326 crores from the States' resources in one single financial year, after the State Plans had earlier been finalised *vide* statement made by the Finance Minister in the Lok Sabha on the 22nd July, 1977 Given the desire to alleviate the hardship of 3 86 lakh police personnel all over the country who have at present no Government accommodation of any kind whatsoever, family or even barrack type, and provide them with suitable accommodation to enable them discharge their heavy duties more efficiently to the satisfaction of the public, the Central Government and the State Governments should be able to find their way to make this investment in the first spell of five years, to be followed by a similar plan in the next five years period which would then see the completion of the entire programme (para 4 9)

We would recommend that the scheme of financial aid from the Centre be limited to housing programmes in States which have not yet reached 80% satisfaction of family accommodation for the different ranks If a higher level of satisfaction has been reached for any particular rank in a State, further outlay on police housing for that rank should not have the benefit of Central aid This would also imply that when a State reaches 80% level of satisfaction of housing for all the non-gazetted ranks, the scheme of Central assistance to that State will terminate (para 4 10)

We would recommend the following corrective measures to eliminate the gaps in information in the Ministry of Home Affairs and delay in release of funds

(*i*) The Ministry of Home Affairs should indicate to the State Governments the allocation from the Central Plan outlay for police housing well before the commencement of the financial year, immediately after the Central Plan is finalised. This would enable the State Governments to chalk out their police housing programme well in advance

(*ii*) The physical target in the form of specified number of dwelling units to be constructed with the investment of the proposed allocation of Central assistance should also be indicated in advance.

(*iii*) Achievement of physical targets from time to time should be monitored.

(*iv*) Funds may be released in instalments commencing with a provisional release at the very beginning of the year, followed by subsequent releases on receipt of progress reports from the States which shall indicate the total provision made in the State budget for police housing, the physical targets reached and the amount sent till then

(*v*) During discussions with the Planning Commission regarding their Annual Plan outlays, State Governments should clearly indicate their proposed Plan outlay for police housing The Plan approval communicated by the Planning Commission should specifically indicate the approved outlay on police housing separately, instead of clubbing it with general housing, as has been done in several letters of approval of the Annual Plan 1978-79 issued in 1978 A copy of the Annual Plan approval letter from the Planning Commission to the State, which is normally issued before the presentation of the State and Central budgets, should be marked to the Ministry of Home Affairs so that they could suitably plan the allocation of Central assistance well in time for implementation during the year covered by the Plan

(*vi*) If persistent failures are noticed in any State in the timely implementation of approved housing programmes, the Ministry of Home Affairs should send an official team to visit the State for identifying the difficulties and deficiencies in the field so that appropriate corrective action could be taken in time.

(*vii*) A Standard Proforma for the periodic submission of all relevant information and data from the States to the Ministry of Home Affairs regarding police housing is indicated in Appendix XI (para 4 14)

We would recommend the constitution of the requisite number of special divisions in

the P.W.D. of each State for implementing the police housing programmes These divisions should be earmarked for the Police housing projects only and should not be deployed on other work. While these divisions would be under the administrative and technical control of the Chief Engineer of the P.W.D , their outturn of work should be subject to a close quarterly review by a Committee consisting of the Inspector General of Police, the Chief Engineer, P.W D., and a representative each from the Home and Finance Departments (para 4.16)

Maharashtra, Andhra Pradesh and Bihar have set up Police Housing Corporations to handle construction programmes for police personnel. These corporations get financial aid from HUDCO also to pursue their construction plans Other States could consider the setting up of similar police Housing Corporations (para 4 17)

We would recommend the association of State Housing Boards with Police Housing schemes wherever possible. This arrangement could conveniently secure financial assistance from HUDCO. (para 4.18)

It is necessary to strengthen the survey and planning organisation in the police and P.W.D. to ensure that at any given time an adequate number of planned building projects with land already acquired and estimates duly approved are kept ready for commencement of work at short notice. Unless all these factors are taken care of at the planning stage, we will continue to have the paradox of paucity of resources on the one side and surrender of funds on the other. Whatever special arrangements are devised, it would be necessary for the Police Department to maintain close contact with the actual progress in the processing of housing schemes and the execution of sanctioned construction works. For this purpose, it would be advantageous if an officer of the appropriate rank from the P.W.D. is taken on deputation to the Police Department to function as liaison and monitoring officer. This system has been tried in one State with very useful results (para 4 19)

Nazul land and the excess land that becomes available for disposal by the Government under the provisions of Urban Land (Ceiling and Regulation) Act of 1976 could and should be utilised for police housing schemes wherever feasible The extent to which this could be implemented in all the urban areas covered by the above mentioned Act, can be gone into by a small working group in each State consisting of representatives of the Revenue, Housing and Police Departments (para 4.20)

Ad hoc and piecemeal establishment of police stations and outposts resulting from sporadic responses to local demands have aggravated the problem of accommodation for the police personnel who are deputed to man these stations and outposts It would be a good arrangement if in all future cases of sanction of police stations and outposts the provision of residential accommodation for the police staff concerned is also settled simultaneously and all sanction orders are issued together. (para 4.21)

We would recommend that in the future programme for construction of police housing, rural areas and metropolitan cities should be grouped together and given first priority followed by other cities and towns in that order. Availability of family accommodation in rural areas would also act as an incentive for willing acceptance of rural posting by police personnel. We would further recommend that as far as possible police quarters be built in the vicinity of police stations to facilitate group briefing and quick mustering of men as and when required. (para 4 22)

We would strongly recommend that police personnel entitled to free accommodation should be fully reimbursed the actual house rent paid on their producing a certificate from their supervisory officer of the rank of D.S P. that the accommodation occupied by them is not more than what they are entitled to under Government Rules or Regulations made in this behalf by the Inspector General of Police. This payment may be subject to a ceiling determined from each rank at the district level by the chief revenue authority in the district in consultation with P.W.D. These ceilings shall be reviewed every three years. In this arrangement there shall be no need for certificates from the Rent Controller or any other

similar authority for deciding individual cases so long as the ceiling limits are observed (para 4 23)

In addition to 100% family accommodation for all non-gazetted ranks in the Civil and in the Armed Police, some barrack accommodation should be available for Constables who come from the mofussil to district headquarters on various duties Barrack accommodation should also be available for personnel who are called for in-service training But, in no case should this barrack accommodation be used for residential purposes by personnel posted in the district headquarters (para 4 24)

We recommend that the minimum living accommodation for Constabulary, *i e*, Head Constables and Police Constables should consist of two rooms, a kitchen and a bath-room (para 4 25)

Another cause of anxiety and concern for police personnel, particularly the Constabulary, that has been brought to our notice is the problem of their accommodation after retirement Most of them have no house of their own and view with alarm their accommodation problem which they would face after they retire from service It would be appropriate in the present context for the Government to aid police personnel in building small houses for themselves The aid can be in the form of a housing loan repayable in convenient instalments with the condition that the loanee would either live in the house himself or hand it over to the Government in the event of his transfter to some other place, and the Government would pay him monthly rent calculated on the current percentage of return on cash investment of corresponding value The Government could then utilise the same house for accommodating another policeman posted at that place We understand that such a scheme is in vogue in Maharashtra and would commend its adoption in all States (para 4 26)

Construction of such houses by the policemen themselves with aid from the Government would be further facilitated by setting up a co-operative housing society in each district for all policemen This arrangement would help in securing financial assistance from other bodies like the Life Insurance Corporation Successful management of such co-operative housing societies will need the whole time attention of a senior officer and we, therefore, recommend that an officer of the rank of Superintendent of Police in the welfare wing of the police department be entrusted with the responsibility for promoting these cooperative housing societies in each district It should be deemed a legitimate charge on the welfare side of police budget to provide expert personnel for running these societies efficiently (para 4 27)

SUPPLY OF ESSENTIAL COMMODITIES

We find an arrangement in West Bengal for the supply of some essential commodities to subordinate police officers at rates which remain fixed irrespective of the rise in prices In this scheme, which is in force from 1966, all subordinate police officers from the rank of Sub-Inspector/Sergent downwards including Wireless Supervisors, crew of police launches, Subedars and Jamadars of the Eastern Frontier Rifles, etc, are supplied rice, wheat, sugar, dal and mustard/rapeseed oil at fixed concessional rates according to a prescribed scale The supply covers the family members of each police personnel upto a maximum limit of 4 including the personnel himself The scheme is operated through supply centres which are opened at convenient places in a district and run by internal arrangement with the existing staff under the Superintendent of Police The scale of supply at the fixed rates is furnished in Table on next page

We find this scheme has served as an excellent morale booster for the West Bengal Police and is gratefully acknowledged as a great boon by the rank and file of the force It has sustained their morale while working under severe economic strain and increasing pressure of duties all round We would recommend the immediate adoption of this scheme for the police in all States. (para 5 8)

Item	*Quantity per head per week*	*Rate per Kg.*
		Rs. P.
Rice	1 Kg.	0.50
Wheat or Wheat products	1.50 Kg for policemen 1 Kg for family member	0.25
Sugar	300 Grams	0.70
Dal	750 Grams	0.60
Mustard Oil/Rapeseed oil	250 Grams	2 00

Apart from the above scheme, we would further recommend that on occasions when police personnel are required to remain on duty for more than 8 hours at a stretch without relief, arrangements should be made for the supply of food packets to them at their places of duty at Government cost This will be in addition to any daily allowance which they may be entitled to under the normal rules for the duty done that day. (para 5.9)

ORDERLY SYSTEM

We recommend that the orderly system as it exists at present be abolished. (para 6 4)

In lieu of this system, one constable may be attached to an officer attending to (*i*) petitioners, complainants and other visitors who come to see the officer; (*ii*) attend to telephone calls particularly during the officer's absence and furnish helpful replies to enable the caller to speak to some other appropriate functionary for action; (*iii*) pass on messages to subordinate officers, and (*iv*) accompany the officer on his field work and the present with him to afford security and assistance in dealing with any situation Entitlement to such assistance may be determined, not by the rank of the officer but by the actual need for such assistance with reference to the nature of his duties and responsibilities (para 6 5)

For carrying messages and files from the local staff stationed nearby, for assisting the officer in keeping his uniform and arms in a neat and smart condition and for maintaining the officer's reception room and office premises in a neat and tidy condition for receiving visitors and transacting official business, we feel that officers hitherto entitled to orderlies for the purpose of this work should continue to have assistance, but by an arrangement of paying the officer a suitable monthly allowance for employing a private person of his choice for performing these duties The quantum of the monthly allowance may be fixed with reference to the provisions of the Minimum Wages Act, 1948, as applicable to an unskilled worker The Government's responsibility will be limited to the payment of the monthly allowance to the officer Employment of the private hand and payment of wages to him will be the officer's responsibility (para 6 6)

MACHINERY FOR REDRESSAL OF GRIEVANCES

There is an urgent need for devising a satisfactory system through which grievances can be effectively voiced and, what is more, some solutions can be found with a proper understanding and assessment of the issues involved (para 7 1)

The Police Forces (Restriction of Rights) Act, 1966 enacted by Parliament implies the recognition of the concept of an association for members of a police force, with due sanction from a prescribed authority. (para 7.2)

While the right of police personnel to form associations is already recognised in law, subject to prescribed rules and regulations, we feel it would be useful to set down some general principles which should govern the formation and working of such associations, having regard to the paramount need for guarding against factors that might prejudice the proper discharge of duties by policemen and the maintenance of discipline among them. We recommend that the following guidelines be kept in view by the prescribed authorities while granting recognition to policemen's associations

(*i*) Membership shall be restricted to serving policemen only No outsiders, whether a government servant or not, shall be entitled to membership or function as an office bearer of the Association or be connected with it in any advisory or other capacity
(*ii*) Members shall not have the right to strike work or withhold their services or otherwise delay the performance of their duties in any manner
(*iii*) The Association shall not resort to any coercive method or agitation for obtaining redressal of grievances
(*iv*) The Association shall not do anything which may affect the efficiency of the force or undermine its discipline
(*v*) The Association shall be absolutely non-political in character and shall not be connected directly or indirectly with political activity of any kind

It would be desirable to have the above stipulations embodied in the Memoranda of Association of these bodies before they are recognised (para 7 5)

We have looked into the existing practice for the election of office bearers of these associations in some States We appreciate that unless the office bearers come up through some process of election, they will not have the representative character which is important in the entire scheme of ventilation of grievances We are, however, equally anxious that any electoral process adopted for this purpose among the police personnel should not provide the unintended scope for political forces to operate in a manner prejudicial to the maintenance of discipline and, what is more, the impartial character of the Police as a whole In our view a process of indirect election of the type we are separately recommending in regard to Police Staff Councils could be adopted for the election of office bearers of police associations State Governments may also like to consider other alternate methods of indirect election, having regard to local conditions and experience of working of police associations already existing in the State (para 7 6)

We further recommend that policemen's associations may be of the following four categories

(*i*) One association may cover constables and head constables and equivalent ranks
(*ii*) A second association may cover all Assistant Sub Inspectors, Sub-Inspectors, and Inspectors and equivalent ranks
(*iii*) A third association may cover all officers of the State Police Service of and above the rank of Deputy Superintendent of Police
(*iv*) Existing Indian Police Association will cover all I P S officers

Associations covering the ranks of Constable/Head Constable, Assistant Sub Inspector/ Sub Inspector/Inspector may be formed on district basis Representatives of the District Associations may constitute the State level Associations for these ranks The Association of State Police Service Officers of and above the rank of Deputy Superintendent of Police may be organised on State basis (para 7 6)

Police Associations may only facilitate collective articulation of grievances but that by itself would not help in evolving practicable solutions The existing system does not provide an adequate sense of participation for all members of the police force particularly at the

lower levels, in the evolution of professional norms and techniques for handling police problems and for removal of grievances which stand in the way of efficient performance of duties. We have, therefore, to devise a forum at which representatives of Policemen's Associations can sit together in a kind of federal body and discuss the problems for evolving concrete and practicable solutions (para 7.7)

We recommend the immediate formation of a Joint Consultative Machinery in the shape of Staff Councils for the police personnel at the district level and the State level to provide such forum and also a scheme for compulsory arbitration (para 7 10)

The District Police Staff Council—hereinafter referred to DPSC—shall be made up of the following :

Superintendent of Police	1	(*ex-officio* Chairman)
Dy. Superintendent of Police	1	(Member Secretary)
Inspector of Police	1	(Member)
Sub Inspector and Assistant Sub Inspector	2	(Member)
Head Constable and Constable	4	(Member)
TOTAL	9	

Note Representatives from the rank of Head Constable/Constable shall include at least 2 Constables Representatives in the rank of Sub Inspector/Assistant Sub Inspector shall include at least one Assistant Sub Inspector.

Members from the rank of Constable up to Deputy Superintendent of Police shall be nominated by the respective Service Associations But, where no such associations exist, these members shall be elected through a process of indirect election covering all the personnel in the district. (para 7.11)

At the State Police Headquarters, there shall be a State Police Staff Council—hereinafter referred to as SPSC—composed of the following :

Inspector General of Police	1	(*ex-officio* Chairman)
Deputy Inspector General of Police in charge of Welfare Wing	1	(*ex-officio* Member)
Assistant Inspector General of Police in charge of Administration	1	(*ex-officio* Member-Secretary)
Superintendent of Police/Asstt. Superintendent of Police	2	(Member)
Deputy Superintendent of Police	2	(Member)
Inspector	2	(Member)
Sub-Inspector and Assistant Sub-Inspector	4	(Member)
Head Constable and Constable	8	(Member)
TOTAL	21	

Note. Representatives from the rank of Head Constable/Constable shall include at least 4 Constables Representatives in the rank of Sub-Inspector/Assistant Sub-Inspector shall include at least 2 Assistant Sub-Inspectors

All Members of the SPSC, excepting the *ex officio* functionaries, shall either be nominated by the State level Service Associations covering the respective ranks or shall be elected through a process of indirect election. (para 7.14)

A candidate has to satisfy the following conditions to be eligible for membership of these Councils either through election or nomination as described above .

(*i*) He shall have put in at least five years of service in the police force on the first day of January of the year in which the election is held,
(*ii*) He shall not have received any major punishment in the previous three years.

Note Major punishment for this purpose shall mean reduction in rank or to a lower stage in the time scale and suspension from service, if imposed as a specific punishment (para 7.15)

Elected members of the DPSCs and SPSC shall hold office for a term of two years at a time On expiry of one term, a member shall be eligible for re-appointment in either of these Councils if he comes up again through the same process of election as detailed above but no such member shall hold office for more than two consecutive terms A term of office held in either of these councils shall count for membership of the other council under this rule Vacancies caused by death, retirement or transfer shall be filled for the unexpired term (para 7 16)

DPSC shall meet once in three months and the SPSC shall meet once in six months and discuss all matters pertaining to morale, welfare and other allied establishment problems which fall within the administrative purview of the State Government They shall, however, be precluded from discussing individual cases of disciplinary proceedings or postings or transfers or similar establishment matters The DPSC shall dispose of all matters regarding which remedial measures are feasible at the district level Matters requiring further consideration and decision at higher levels shall be remitted to the SPSC Service conditions of officers of the Indian Police Service or any other related matter which will require decision at the Central Government's level, shall be beyond the purview of the DPSCs and SPSCs (para 7 17)

There shall be a Joint Consultative Council (JCC) at the State headquarters to deal with matters which require consideration and decision at the government level This Council shall consist of an official side and a staff side The official side shall be appointed by the Government and may consist of upto 7 members including the Chief Secretary, Secretary in charge of Police, Finance Secretary and Personnel Secretary in the State Government The entire body of the SPSC, as described earlier, shall consitute the staff side of the Joint Consultative Council The Minister in charge of Police shall be the Chairman of the Joint Consultative Council It shall meet as often as necessary to deal with matters that arise from the deliberations of the SPSC or otherwise (para 7 18)

The scope of the JCC shall include all matters relating to conditions of service and work, welfare of the police personnel and improvement of efficiency and standards of work, provided, however, that (*i*) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles, and (*ii*) individual cases shall be considered (para 7 20)

The official side shall conclude matters at meetings of the Council and shall not reserve them for later decision by the Government (para 7 21)

If there is no agreement between the two sides, the matter may be transmitted to a committee of the JCC for further examination and report But, if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side In other cases, the Government will take action according to its own judgement (para 7 24)

Arbitration shall be limited to

(*i*) pay and allowances;

(*ii*) leave, and

(*iii*) any other matter that the SPSC and the State Government mutually agree to refer to arbitration (para 7 27)

Cases of individuals shall not be subject to arbitration (para 7.28)

A dispute shall not be referred to arbitration unless it has been considered by the JCC and final disagreement between the two sides has been recorded (para 7.29)

On a final disagreement being recorded as mentioned above, the State Government shall appoint a Board of Arbitration as soon as possible, in any case not later than one month from the date of recorded disagreement The Board shall consist of three members, one drawn from a panel of 5 names submitted by the official side, one from a similar panel submitted by the staff side of the JCC and a Chairman who shall be an independent person, preferably a retired or serving Judge of the High Court or senior administrator. The members and the Chairman shall be selected by the Minister in charge of Police (para 7.30)

Subject to the overriding authority of the State Legislative Assembly, recommendations of the Board of Arbitration shall be binding on both sides. (para 7.33)

If, for reasons to be recorded in writing, the State Government is of opinion that all or any of the recommendations of the Board of Arbitration should on grounds affecting national economy or social justice be modified, the State Government shall, as soon as may be, lay before the State Legislative Assembly the report of the Board containing such recommendations together with the modification proposed and the reasons therefore, and thereupon the Legislative Assembly may make such modifications in the recommendations as it may deem fit (para 7.34)

Orders made by the State Government in pursuance of the recommendations of the Board of Arbitration shall, unless otherwise specified in these recommendations or modified by mutual agreement, remain in operation for a period of three years (para 7.35)

In making these recommendations, we have taken into account the currently growing trend of attitudes and feelings among the rank and file of the police force and the urgent need for the officer cadres and the leadership of the force to start a joint endeavour with the rank and file for a meaningful and collective discussion of service problems and evolve solutions in a manner which would satisfy the rank and file and foster in them feelings of professional pride, dignity and sense of participation in the decision-making processes in the system We are fully convinced that unless the steps as envisaged above are taken in hand quickly, the rank and file will soon be enveloped by growing demoralisation and the entire system would get dangerously weakened (para 7.36)

We would recommend that the Staff Councils and the Joint Consultative Council as detailed above may be brought into being in the first instance through administrative orders After gaining practical experience in working the scheme for some time, they may be given a statutory cover by appropriate modifications and additions to the Police Forces (Restriction of Rights) Act, 1966 and the rules framed thereunder. (para 7.37)

We would further recommend that this Act be appropriately amended straightway to:

(*i*) enable the Central Government or the prescribed authority impose such conditions as may be deemed fit to ensure the proper discharge of police duties and the maintenance of discipline among policemen before granting sanction to any proposed association:

(*ii*) include the guidelines for the working of the associations as detailed in para 7 5;

(*iii*) enabled the formation of associations to cover more than one rank, on the lines indicated in para 7.6; and

(*iv*) impose the same obligations on members of the families of policemen as applicable to policemen themselves in regard to their membership or the other links with such associations. (para 7 40)

Individual grievances have to be looked into by the departmental authorities at the supervisory levels A rigid insistence on rituals in the name of discipline, before a subordinate police officer could approach the senior ranks for redressal of his grievances should be avoided Any officer with a grievance should feel free to articulate it before his own superiors Any attempt to stifle such articulation would only result in the affected personnel airing their grievances outside the system and that would lead to undesirable results Supervisory officers should take the initiative and avail every opportunity to identify individual grievances in the normal course of their tours and inspections and take effective remedial measures One of the points for assessing the supervisory capacity of an officer should be the measure of success achieved by him in identifying and redressing the grievances of his subordinates Expeditious sanction and payment of increments and such other allowances as fall due from time to time, prompt settlement of leave, pension, provident fund, gratuity, etc , are matters that require close and constant attention from the supervisory officers to avoid build up of individual grievances on that account (para 7 41)

RECRUITMENT, TRAINING AND CAREER PLANNING

We consider the educational qualification of Matric/SSLC as the very minimum for a Constable recruit to get trained properly and fit into the police system and in due course assume higher positions of responsibilities as envisaged by us (para 9.1)

MODALITIES FOR INQUIRY INTO COMPLAINTS AGAINST POLICE

One of the fundamental requisites of good government in a democracy is an institutionalised arrangement for effectively guarding against excesses or omissions by the executive in the exercise of their powers or discharge of their mandatory duties which cause injury, harm, annoyance or undue hardship to any individual citizen This is specially necessary in the police who have vast scope for exercise of powers by a large number of personnel affecting the rights and liberty of individual citizens in daily life (para 10 1)

Statistics regarding complaints against police in many States reveal that—

(*a*) a sizable percentage of complaints of police misconduct are preferred before police authorities higher than the Superintendent of Police,

(*b*) the percentage of substantiated complaints is low both in regard to the inquiries held by the District Magistrates and their officers and the inquiries held by the Superintendent of Police,

(*c*) percentage of substantiated complaints of police torture is highest in judicial inquiries, lower in magisterial inquiries and lowest in inquiries conducted by other agencies, and

(*d*) a very large number of private criminal complaints filed against police officers in courts have failed (para 10 6)

There is imperative need to ensure that the complaints that are made, irrespective of their number, are handled in a manner that afford maximum satisfaction and carries credibility to the complainant in particular and the public in general (para 10 7)

Any arrangement for inquiry into complaints against police should be acceptable both to the police and to the public as far and just, not favouring one at the expense of the other and not damaging the morale of the police and reducing their effectiveness in maintaining law and order (para 10 10)

A large number of complaints against police can legitimately and rightly be looked into and disposed of by the supervisory ranks in the police hierarchy itself (para 10 11)

Inquiries into any complaint of police misconduct shall be conducted by an officer of the rank of Inspector of Police or above only, on the following pattern:

Complaints against	*To be inquired into by*
Head Constables/Constables	An officer not below the rank of Inspector of Police.
Sub-Inspectors/Assistant Sub-Inspectors	An officer not below the rank of Deputy Superintendent of Police.
Inspectors of Police/Deputy Superintendents of Police/Assistant Superintendents of Police.	An officer not below the rank of Superintendent of Police.
Superintendent of Police and above	Complaint Cells directly supervised by the Deputy Inspector General or Inspector General, as the case may be. (para 10.13)

While the above categorisation would apply to inquiries conducted by the authorities in the hierarchy in the normal course, there shall be a special complaint cell headed by a Deputy Superintendent of Police in each district working under the Superintendent of Police to handle inquiries into allegations of police misconduct in which the normal hierarchical levels are likely to take a biased view for any local reason The discretion to entrust special inquiries to this cell shall be exercised by the Superintendent of Police having regard to the circumstances of each case (para 10 14)

There shall be a similar cell working directly under each Range D.I G. for handling inquiries which may involve scrutiny of the part played by the Superintendent of Police himself in any particular situation. At the State headquarters, there shall be a special cell under a Superintendent of Police with supporting staff of Deputy Superintendent of Police and Inspectors working directly under the Inspector General of Police to handle such inquiries which require attention at the State level (para 10 15)

Regarding the actual manner of conducting inquiries, the following points have to be kept in mind by Inquiry Officers:

(*i*) The complainant should be heard in detail and every effort must be made by the Inquiry Officer himself to ascertain the truth by examining such other witnesses as he may deem necessary, without insisting on the complainant himself to secure the presence of witnesses.

(*ii*) Important witnesses shall as far as possible be examined in the presence of the complainant so that he has the satisfaction of hearing what they depose

(*iii*) Throughout the conduct of Inquiry, the Inquiry Officer shall scrupulously avoid doing anything which might create a doubt in the complainant's mind about the objectivity and impartiality of the inquiry.

(*iv*) The inquiry shall, as far as practicable, be conducted in an appropriate public building or place, in or near, the complainant's resident village

(*v*) If the Inquiry Officer reports that the complainant himself does not want to press his complaint in any particular case, the facts and circumstances of that case shall again be verified by either the next superior officer or the district complaint cell. (para 10 17)

In regard to the following categories of complaints against police, a judicial inquiry shall be mandatory and be held immediately according to a set procedure described in the Report:

(*i*) alleged rape of a woman in police custody;

(*ii*) death or grievous hurt caused while in police custody; and
(*iii*) death of two or more persons arising from police firing in the dispersal of an unlawful assembly as defined in Section 141 of the Indian Penal Code. (para 10 19)

A judicial inquiry in the above cases shall be held by an Additional Sessions Judge nominated for this purpose in every district by the State Government in consultation with the High Court He will be designated as the District Inquiry Authority—hereinafter referred to as 'DIA'. (para 10 20)

In conducting the inquiry the DIA shall be assisted by an Assessor who shall be an Additional Superintendent of Police or senior Deputy Superintendent of Police nominated for this purpose in each district or group of districts as required by the Inspector General of Police (para 10 20)

The inquiry by the DIA shall be in the nature of a fact finding inquiry and shall, as far as possible and consistent with the provisions of the scheme described in the Report, conform to the procedure prescribed in the Commissions of Inquiry Act, 1952 (para 10 23)

The inquiry shall also cover the circumstances leading to the alleged incident and any other matter which the DIA may consider relevant for the inquiry (para 10 23)

Proceedings before the DIA shall normally be open to the public They may, however, be held in camera at the discretion of the DIA on the application made by the complainant or the Superintendent of Police, furnishing reasons therefor (para 10 23)

The DIA may take the assistance of an Additional Public Prosecutor or an Assistant Public Prosecutor in the district for examining witnesses, but no one shall be entitled to be represented by a legal practitioner in any proceedings before the DIA (para 10 23)

An inquiry taken up by the DIA under this scheme shall be given priority in his work and shall be proceeded with expeditiously through day to day hearings and completed within four months from the date on which the DIA receives the report or complaint on which the inquiry is started If in any exceptional case the inquiry is held up beyond the specified period of four months, the DIA shall immediately inform the Government of the reasons for the delay and the probable time for the completion of inquiry

On completion of inquiry, the DIA shall send his report with his findings to the State Government, simultaneously marking a copy to the Inspector General of Police Thereupon the State Government shall, in consultation with the Inspector General of Police, decide the course of further action, whether to prosecute the accused persons in court or deal with them in departmental disciplinary proceedings or dispose of the case in any other appropriate manner It shall be mandatory on the part of the State Government to publish the report of the DIA and the State Government's decision thereon, within two months of receipt of DIA's report by the Government If the DIA's inquiry had commenced on a complaint, a copy of the DIA's report and the State Government's decision thereon shall be furnished to the complainant simultaneous with the aforesaid publication of the report (para 10 26)

The DIA shall also serve as an independent authority to oversee the ultimate disposal of complaints dealt with by the administrative officers themselves in the normal course Any complainant aggrieved by the disposal given on the conclusion of an inquiry, by the administrative authorities into his complaint of police misconduct, shall have the right of appeal to the DIA The DIA shall be authorised to call for the connected records from the department and deal with the appeal (para 10 30)

A Police Complaints Board set up at the State level will generally oversee the satisfactory implementation of the new scheme throughout the State (para 10 31)

Complaints against police which are linked with their conduct in a specific case under active investigation, are best looked into by the supervisory ranks at some appropriate level so that the investigation of the main case is not prejudiced Even in such instances if the complaint refers to a serious misconduct of the type which would automatically attract

the feasibility of introducing similar arrangements for their policemen also (para 13 6)

Government should take special care of the family of a policeman who happens to die or get disabled in circumstances arising from the risks of his office In the case of a policeman who dies in such circumstances we would recommend financial aid to the family on the following lines.

(i) *Gratuity* equivalent to 8 months' pay last drawn by the deceased,

(ii) *Monthly pension* to the family equal to the last pay drawn by the deceased till the date on which the deceased would have normally reached the age of superannuation, and thereafter a monthly pension equal to the amount of pension to which the deceased would have been entitled if he had continued in service till the date of his superannuation; and

(iii) *Ex-gratia grant* of Rs. 10,000 as immediate financial assistance (para 13 7)

Arrangements for line visits by a Government doctor should be made by authorising a small monthly allowance to the doctor from Government funds, if need be, depending on the frequency of calls and the distances involved (para 13 8)

Medical treatment in all police hospitals should also be extended to retired police personnel and their families. (para 13 9)

We endorse the following important recommendations of various State Police Commissions in regard to the educational facilities for policemen's children

1. There should be free education upto high school standard;
2. The children of policemen should get a grant of Rs 50 p a. per child in lump sum for purchase of books,
3. There should be no fees charged in Government or Government aided schools,
4. Scholarships should be provided for vocational education,
5. There should be hostel accommodation for the children of policemen at every divisional headquarters, and
6. Special scholarships should be given on grounds of exceptional merit for university education (para 13.11)

The first requisite of any arrangement for this purpose would be the creation of a separate police education fund in each State, made up of contributions from the police personnel themselves and supplemented and assisted by ad hoc/recurring grants from the State Government The fund should be built up with the ultimate object of establishing at least one police school in each district headquarters which could take in police children for education upto the 12th standard Hostel accommodation for children of police personnel located outside the district headquarters should also be planned Admission to such schools should be governed by suitable tests to recognise merit and facilitate the development of bright young police children In the curriculum of these schools, there should be special emphasis on discipline and a healthy combination of rigorous outdoor exercises with intensive academic pursuits Management of all such police schools in a State may be supervised by the Head of the training wing of the Police Department and overseen by a Police School Board whose chairman could be the Head of the Department of Education in the State and the Member-Secretary could be the Head of the training wing in the police A couple of eminent educationists could also be nominated to the Board. The pay and allowances of the police personnel on the staff in the school could be borne by the Police Department. The deputation allowance and other incentives provided to the other teaching staff drawn on deputation from the other Government schools may also be borne by the Police Department. The rest of the expenditure may be borne by the Education Department. Police children who do exceptionally well in these schools may be encouraged with scholarship from 'police welfare fund' to pursue higher collegiate studies. (para 13.13)

Every effort should be made to finalise pension papers in good time so that every policeman receives his full pension order along with the gratuity amount and other dues on the very day of retirement itself. We were told in one metropolitan city about the initiative shown by the Commissioner of Police in arranging for farewell parades for all policemen who retired every month and seeing them off in a solemn ceremony with the full payment of their dues and pension order. We commend this initiative to all police units (para 13 14)

Inadequate leave reserve is one of the reasons behind the organisation's inability to sanction and rotate leave promptly among the operating personnel. This deficiency in the strength of police personnel should be looked into and made good. (para 13 15)

Different types of 'group insurance schemes' are now available for all categories of employees in Government Details of two special schemes which appear to be specially attractive and have been adopted in two States are furnished in the note in Appendix III. We recommend their adoption in other States as well. (para 13 16)

Regarding the sources and mechanism for the initial building up of police welfare fund and its sustained maintenance, the Ashwini Kumar Committee has made specific recommendations with which we agree The broad principle which may guide the working arrangements in this matter should be that 60% of the requirement of the fund comes from contributions from the police personnel themselves; 20% is made up from Government grants and the balance 20% is covered by the interest generated by the initial lump-sum grants which may be kept in fixed deposits or invested otherwise (para 13.17)

Management of the welfare fund should be by a committee constituted by the police staff council (para 13 18)

The audit of the welfare fund at the battalion/district level should be made the responsibility of a sub-committee of the battalion/district staff council which would be representative in character and adequately reflect the interests of the rank and file. It will be open to this sub-committee to take the assistance of a qualified professional accountant or auditor to get this job done (para 13 19)

Wages for work done by police families at welfare centres in stitching police uniform or for other similar occupation should be determined by a local committee in which the Government secretariat and the police management could both be involved to take a realistic view of all the relevant factors (para 13 20)

Retired police personnel and educated girls in police families may be given first preference for employment to manage and run police canteens and stores (para 13.21)

A recurring deposit scheme as organised in the Border Security Force for augmenting the pension/gratuity assistance for the police personnel at the time of their retirement may be adopted by all police units (para 13 22)

Every State police must have a whole-time police welfare officer at the State Headquarters who, by his initiative and interest, should organise welfare measures on a sound basis in every district/battalion and, what is more, ensure satisfactory delivery of welfare services on the ground We leave it to the State Governments to decide the rank of this officer at State Headquarters, while observing that it is not the mere rank but the initiative and genuine interest shown by the officer and the example set by him that would count more in this matter. (para 13 24)

Resettlement of ex-policemen who retire in the normal course will need assistance and advice to keep themselves occupied and settled in reasonable comfort. There is considerable scope for rendering assistance in the matter of securing allotment of land for cultivation, or facilities for productive self-employment from various developmental agencies under the Government or otherwise. The State Police Welfare Officer should deem it a part of his responsibility to render this help on a systematic basis for retired police personnel (para 13 25)

POLICE ROLE, DUTIES, POWERS AND RESPONSIBILITIES

Police, prosecutors, advocates, judges, functionaries in the correctional services and jails form the different distinct organised wings of the criminal justice system The role, duties, powers and responsibilities of the police with special reference to prevention and control of crime cannot be defined in isolation in absolute terms, but has to be fitted into the overall requirements for the success of the criminal justice system as a whole (para 14.1)

The classification of offences and limitations of police response to complaints thereof, as spelt out in the existing laws, do not conform to the understanding and expectation of the common people who, when they become victims of a crime or are otherwise subjected to a distress situation, naturally turn to the police for help. Police become a much misunderstood force when their action gets limited by law contrary to the natural expectations of the people There is, therefore, immediate need to examine the procedural laws and allied regulations for modifying them to enable police response to conform to public expectations, consistent with the resources potential of the police (para 14 2)

The rules which govern the present accusatorial system of criminal trials make various demands from and place various restrictions on the prosecution so that the defendant gets all the help he can to defend himself. At the end of the trial the prosecution must prove their case beyond reasonable doubt, but the accused may, however, only raise a doubt and get its benefit to secure his acquittal The severe limitations placed on the admissibility of evidence from the prosecution side and the norms for determining the value of the admitted evidence make it difficult for the police as the investigating agency to carry forward all the material uncovered during their investigation to the final point of success in getting the offender convicted under the law. (para 14 5)

We are convinced of the need for effective interaction between the police and the prosecuting agency at the stage of court trial for proper marshalling and presentation of all the evidence uncovered during investigation Facilities for such interaction should be provided without in any manner affecting the professional independence of the prosecuting agency The need for such interaction should also be suitably recognised in law instead of being left as a mere administrative arrangement (para 14 6)

The rituals of court trials under the existing law and the general attitude shown by the legal counsel tend to delay the proceedings in court Apart from the delays at the stage of investigation which are attributable to deficiencies in police, the further delay at the stage of trial results in considerable harassment to the victims of a crime while at the same time the effect of deterrence of quick conclusion of proceedings in court is lost on the offender himself Pendency of criminal cases under trial in courts has gone up enormously in the recent years and the system itself will soon get clogged up beyond repair if the existing law is allowed to operate without any modification (para 14 7)

There is urgent need for a comprehensive reform in the procedural laws relating to investigation and trial in our system. (para 14 8)

Though well-conceived and based on progressive concepts, the institutions and services contemplated under the Probation of Offenders Act, the Children Act, the Suppression of Immoral Traffic Act and similar enactments in the category of social legislation suffer in practice because of a totally inadequate infrastructure (para 14 9)

Our jails are terribly over-crowded The population of undertrial prisoners in relation to convicts has rapidly increased. The huddling together of a large number of under-trials with convicted prisoners and the mixing together of old and hardened criminals with young first offenders tend to promote in the minds of all inmates' feelings of criminality instead of remorse and regret for their previous conduct and a desire to reform (para 14 13)

Apart from the over-crowding in jails, the general manner in which the rituals of the daily life inside the jails are rigidly administered and enforced tends to dehumanise the prisoner who is cowed down by the oppressive atmosphere around with all its brutalities,

stench, degradation and insult. Instead of functioning as reformatory house to rehabilitate the criminal to reform him and make him see the error of his ways and return a better and nobler man, the ethos inside our jails today is tragically set in the opposite direction, making it practically difficult for any reformatory process to operate meaningfully. (para 14 13)

The deficiency in the functioning of their correctional services has meant the weakening of their corrective influence on the behaviour and conduct of all the delinquents who pass through the system Police, who appear in the first part of the system to investigate crimes and identify the offenders involved, have again to contend with the likely continued criminal behaviour of the same offenders, without the expected aid and assistance from the other agencies of the system to contain their criminality We are, therefore, of the opinion that in whatever way we may define the role, duties and responsibilities of the police, they cannot achieve ultimate success in their role performance unless all the wings of the criminal justice system operate with simultaneous efficiency. This would require our having some kind of body which will have the necessary authority and facilities to maintain a constant and comprehensive look at the entire system, monitor its performance and apply the necessary correctives from time to time, having in view the overall objective of the system. In view of the primacy of law in the entire system, our first throughts in this matter go to the Law Commission. We feel it would be advantageous to enlarge the concept of the Law Commission and make it function as a Criminal Justice Commission on a statutory basis to perform this overseeing role on a continuing basis For this purpose it would be desirable for appropriate functionaries from the police and correctional services to be actively associated with the deliberations of the new Commission. This arrangement at the Centre should be supported by a similar arrangement at the State level in which a high powered body under the Chairmanship of the Chief Justice of the High Court, either serving or retired, and with members drawn from the police, bar and the correctional services, would perform this monitoring role and evaluate annually the performance of the system as a whole. (para 14 14)

Police role in maintaining public order has even greater limitations specially in a democracy Maintenance of order implies a certain measure of peace and avoidance of violence of any kind Public order is deemed to have been upset, in public estimate, if violence breaks out in public in a noticeable form The characteristic features of the existing social structure in India are (*i*) inter-group conflicts on account of religion, language, caste, etc ; (*ii*) increasing pressure of poverty, (*iii*) increasing unemployment, and (*iv*) rapid urban growth rate with a concentration of organised protest groups in urban areas like Government employees, industrial workers, political groups, students, etc. All these factors, combined with the general belief among the havenots that the only way to evoke response from administration is to launch an agitation or a strike or any form of protest activity involving violence of some kind or other, induce an atmosphere of continuing pressure and proneness to break into situations of public disorder. (para 14 16)

Public urge for reform and relief from pressure situations of the above kind are often articulated by political parties, particularly those in opposition to the ruling party. Protest activity, therefore, gets mixed up with political dissent Police methodology in dealing with such situations has necessarily to conform to democratic traditions and cannot have the trappings of the technique of an authoritarian regime to sustain itself in power. In such circumstances, the police have the most difficult role to perform to maintain order. Any step taken by them for this purpose is immediately viewed by the agitating public as partisan conduct to maintain the *status quo* and oppose the changes for which the agitators clamour Police invariably get dubbed as being on the side of the conservative and the no-changer Police action in such situations is severely handicapped on this account. Police cannot be expected to handle such situations all by themselves but they should have accommodation, cooperation, assistance, sympathy and understanding from organised section of the public themselves (para 14.17)

The basic role of the police is to function as a law enforcement agency and render impartial service to law, in complete independence of mere wishes, indications or desires, expressed by the Government as a matter of policy which either come in conflict with or do not conform to the provisions in our Constitution or laws duly enacted thereunder. We recommend that this basic role of the police may be specifically spelt out in categorical terms in the Police Act. (para 14 28)

A Code of Conduct for the police in India was adopted at the Conference of Inspectors General of Police in 1960 and circulated to all the State Governments. We recommend that clause (12) of the above Code may be modified to read as under :

(12) The police should recognise that their full utility to the people of the country is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law and implicit obedience to the directions of commanding ranks and absolute loyalty to the force and by keeping themselves in a state of constant training and preparedness (para 14 29)

Having regard to the objectives mentioned in the Preamble to our Constitution, we would hold that law enforcement by police should cover the following two basic functions:

(i) Upholding the dignity of the individual by safeguarding his constitutional and legal rights. Police secure this objective by enforcing laws relating to the protection of life, liberty and property of the people, and
(ii) Safeguarding the fabric of society and the unity and integrity of the nation Police secure this objective by enforcing laws relatable to maintenance of public order. (para 14 31)

We are of the view that police have a direct and more or less exclusive responsibility in the task of investigating crimes but have a limited role in regard to the prevention of crime for the reason that the various contributory factors leading to crime do not totally and exclusively fall within the domain of police for control and regulation A coordinated understanding and appreciation of these factors not only by the police but also by several other agencies connected with social defence and welfare would be necessary for effective prevention of crime Police responsibility for the prevention of crime has thus to be shared to some extent with other agencies We feel that this distinction in police responsibility for investigation of crime on the one hand and prevention of crime on the other should be clearly understood and indicated in the Police Act itself, which would also thereby institutionalise and facilitate appropriate associative action by other social welfare agencies for preventing crime (para 14 32)

We recommend a system of licensing with appropriate statutory backing to control the working of private detective agencies which have come up in the country in the recent years (para 14.35)

Police responsibility for investigation of crimes may be spelt out in general terms in the basic law, namely, the Police Act, but in actual procedural practice there should be graded situations specifying different degrees of police responsibility in regard to different types of crimes (para 14.36)

Certain types of crimes will require police intervention on their own initiative and on their own intelligence, without waiting for a complaint as such from any aggrieved person. Certain other types of crimes may justify police intervention only on a specific complaint from a member of the public A third category of crime can be visualised where police may intervene only on a complaint from an aggrieved party and not by any member of the public. (para 14 36)

With regard to police role in the enforcement of social legislation, we are of the view that as the primary law enforcement agency available to the State, police cannot

We recommend that the new Police Act may spell out the duties and responsibilities of the police to:

(i) promote and preserve public order,
(ii) investigate crimes, and where appropriate, to apprehend the offenders and participate in subsequent legal proceedings connected therewith,
(iii) identify problems and situations that are likely to result in commissioning of crimes;
(iv) reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures,
(v) aid and cooperate with other relevant agencies in implementing other appropriate measures for prevention of crimes;
(vi) aid individuals who are in danger of physical harm;
(vii) create and maintain a feeling of security in the community,
(viii) facilitate orderly movement of people and vehicles,
(ix) counsel and resolve conflicts and promote amity,
(x) provide other appropriate services and afford relief to people in distress situations;
(xi) collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security; and
(xii) perform such other duties as may be enjoined on them by law for the time being in force. Item (ii) above will give legal scope for police to be associated with the process of prosecution and have effective interaction with the prosecuting agency. Items (iii) and (v) will afford scope for police to be associated in a recognised manner with the other wings of the criminal justice system for preventing crime and reforming criminals Items (ix) and (x) will facilitate the performance of service-oriented functions and will also recognise a counselling and mediating role for the police in appropriate situations (para 14 51)

INTERFERENCE WITH AND MISUSE OF POLICE BY ILLEGAL OR IMPROPER ORDERS OR PRESSURE FROM POLITICAL, EXECUTIVE OR OTHER EXTRANEOUS SOURCES—REMEDIAL MEASURES

While steering the country towards the promised objectives of the socialist welfare State for its hundreds of millions of people, the Government have had to control and regulate in an increasing degree the conduct and business of different sections of people through progressive legislation and other related measures. This has meant increasing exercise of power by the Government through its widely spread apparatus of the executive in several matters affecting the daily life of the people National leaders, who were at the helm in different parts of the country in the first decade after Independence, conducted the affairs of the Government with great vision and wise statesmanship and set down patterns of conduct and inter-relationship between the political leadership in Government on the one side and the civil services on the other. Though not precisely defined, their respective roles were mutually understood fairly well and followed in practice. While the civil services had the benefit of lead and guidance in policy from the political leadership having in view the expectations and aspirations of the public, the political masters had the benefit of professional advice from the civil services regarding the different dimensions of the problems they had to solve Great leaders and statesmen like Jawaharlal Nehru, Sardar Patel, Abul Kalam Azad, Rajagopalachari, Govind Ballabh Pant, Rafi Ahmed Kidwai, K Kamaraj, B C. Roy and Sri Krishna Sinha provided an atmosphere of dignity and sense of direction for the civil services to function honestly and efficiently, with public interests constantly held in view. Passing years saw the entry of a large variety of people into the field of politics and increasing contact between politicians and the executive at various

levels in a variety of situations, including those caused by decreasing majorities in legislatures. Scope for exercise of power through the political leadership in Government induced political functionaries outside the Government to take undue interest in the conduct of Government affairs, and gradually the spectre of 'political interference' appeared on the scene. Police, as a part of the civil services, came within the ambit of this interference. In fact the police became specially vulnerable to interference from politicians because of the immense political advantage that could be readily reaped by misuse of police powers. The quality of police performance was and continues to be adversely affected by such interference (para 15.2)

After long years of tradition of law enforcement subject to executive will under the British rule, the police entered their new role in independent India in 1947. The foreign power was replaced by a political party that came up through the democratic process as laid down in our Constitution. For a time things went well without any notice of any change, because of the corrective influences that were brought to bear on the administrative structure by the enlightened political leadership. However, as years passed by there was a qualitative change in the style of politics. The fervour of the freedom struggle and the concept of sacrifice that it implied faded out quickly, yielding place to new styles and norms of behaviour by politicians to whom politics became a career by itself. Prolonged one-party rule at the Centre and in the States for over 30 years coupled with the natural desire of ruling partymen to remain in positions of power resulted in the development of symbiotic relationship between politicians on one hand and the civil services on the other. Vested interests grew on both sides. What started as a normal interaction between the politicians and the services for the avowed objective of better administration with better awareness of public feelings and expectations, soon degenerated into different forms of intercession, intervention and interference with malafide objectives unconnected with public interest (para 15.4)

Consequent on the agitationist posture taken up by some political parties in opposition, protest demonstrations, public meetings, processions, politically motivated strikes in the industrial sector, dharnas, gheraos, etc., have become a recurrent feature of political activity in the country. Police have been increasingly drawn into the resultant law and order situations and are expected by the ruling party to deal with all such situations with a political eye. Putting down political dissent has become a tacitly accepted objective of the police system. (para 15.6)

Some typical situations or matters in which pressure is brought to bear on the police by political, executive or other extraneous sources are listed below:

(*i*) Arrest or non-arrest of a person against whom a case is taken up for investigation by the police.
(*ii*) Deliberate handcuffing of a person in police custody merely to humiliate him.
(*iii*) Release or non-release on bail after arrest.
(*iv*) Suppression of material evidence that becomes available during searches by police.
(*v*) Inclusion or non-inclusion in the charge-sheet placed in court on conclusion of investigation.
(*vi*) Posting or non-posting of police force in an area of apprehended trouble to create an effect to the advantage of one party or the other.
(*vii*) Taking persons into preventive custody to immobilise them from legitimate political activity in opposition to the party in power.
(*viii*) Foisting false criminal cases against political functionaries for achieving political ends.
(*ix*) Discretionary enforcement of law while dealing with public order situations, with emphasis on severity and ruthlessness in regard to persons opposed to the ruling party.

(x) Manoeuvring police intervention by exaggerating a non-cognizable offence or engineering a false complaint to gain advantage over another party in a situation which will lie outside the domain of police action in the normal course

(xi) Preparation of malicious and tendentious intelligence reports to facilitate action against an opponent (para 15 13)

Pressure on the police takes a variety of forms ranging from a promise of career advancement and preferential treatment in service matters if the demand is yielded to, and a threat of drastic penal action and disfavoured treatment in service matters if the pressure is resisted While it is not possible to punish a police officer with a statutory punishment under the Discipline and Appeal Rules without adequate grounds and following a prescribed procedure, it is very easy to subject him to administrative action by way of transfer or suspension on the basis of an alleged complaint taken up for inquiry. While suspension acts as a great humiliating factor, a transfer acts as a severe economic blow and disruption of the police officers' family, children's education, etc The threat of transfer/suspension is the most potent weapon in the hands of the politician to bend down the police to his will (para 15.14)

During our tours in the States several officers brought to our notice this phenomenon of frequent and indiscriminate transfers ordered on political considerations. We analysed the frequency of transfers in different ranks in the States in the five year period 1973-77 and found the following position in many States.

Rank	*Average period of stay in the same post/same station*	
I.G.	1 year and 8 months	(In one State 6 IsG were changed, in three States 5 IsG were changed in this period)
S P.	1 year and 7 months	(In one State it is as low as 11 months)
Sub-Inspector	1 year and 2 months	(In one State it is as low as 7 months and in three others it was 10 months)

In computing the above period, we have excluded the transfers arising from normal administrative reasons like promotion to a higher post, deputation to training or to a post under the Central Government, retirement, removal/dismissal from service, etc. The frequent changes of officers, particularly at the operational level of Sub Inspectors in Police Stations and Superintendents of Police in districts coupled with frequent changes at the apex, namely, Inspector General of Police, have no doubt largely contributed to the sharp decline in the quality of police service down the line. Inspectors General in some States have been changed as often as the Chief Minister or the Home Minister changed The interests of real professional service have been sacrificed at the altar of political expediency (para 15 15)

We are also aware that the unhealthy influences and pressures that are brought to bear on the police do not always originate from political sources alone. Capitalists, industrialists, businessmen, landlords and such others who form the richer and more influential sections of society have immense capacity to generate such pressures to operate at different levels in the police, either directly or indirectly through political sources, and influence the course of police action (para 15 17)

Interference with the police system by extraneous sources, especially the politicians, encourages the police personnel to believe that their career advancement does not at all depend on the merits of their professional performance, but can be secured by currying

favour with politicians who count. Deliberate and sustained cultivation of a few individuals on the political plane takes up all the time of a number of police personnel to the detriment of the performance of their normal professional jobs to the satisfaction of the general public at large. This process sets the system on the downward slope to decay and total ineffectiveness. (para 15 18)

Interference at the operational level in police stations, police circles, etc, results in the total by-passing of the supervisory officers in the hierarchy. The frequent by-passing of the normal chain of command results in the atrophy of the supervisory structure. It, therefore, fails to operate effectively even in matters which do not attract any such extraneous interference. This was strikingly seen in the situation arising from the policemen's stir in certain States in May-June, 1979. (para 15 19)

In their anxiety to ensure police performance in accordance with the appreciation of the situation by the political party in power, some State Governments are known to have issued executive instructions restricting the scope for police action even in situations where a specific line of action by police is enjoined on them by law itself (para 15.20)

A police force which does not remain outside politics but is constantly subjected to influences and pressures emanating within the system from the politicised police personnel themselves will in turn seriously disturb the stability of the duly elected political leadership in the State itself and thereby cause serious damage to the fabric of our democracy. This danger has to be realised with equal seriousness and concern by the politician as well as by the police (para 15 25)

The experience of several other democracies has also shown the need for evolving healthy norms in the interaction between the political leadership in Government and the executive services, to ensure that each section performs its duly recognised role and benefits by the corrective influence from the other in constantly serving the cause of public interest. (para 15 31)

We have already observed how in the early years after independence the political leadership provided by well-motivated administrators and statesmen had in fact enabled the services including the police to function effectively in the best interests of the public at large. We feel confident that the existing situation can certainly be corrected and we can evolve practicable remedial measures to bring about a healthy functioning of the police with helpful and wise guidance from the elected representatives of the people (para 15 32)

We feel that it would be appropriate to lay down that the power of superintendence of the State Government over the police should be limited for the purpose of ensuring that police performance is in strict accordance with law (para 15 38)

Police tasks may be broadly divided into three categories for the purpose of analysing the relevance of supervision by Government They are (*i*) investigative, (*ii*) preventive and (*iii*) service oriented. Investigative tasks will include all action taken by the police in the course of investigating a case under Chapter XII of the Code of Criminal Procedure. Preventive task will cover such actions like preventive arrests under section 151 Cr P.C, initiation of security proceedings, arrangement of beats and patrols, collection of intelligence and maintenance of crime records to plan and execute appropriate preventive action, deployment of police force as a preventive measure when breach of peace is threatened, handling of unlawful assemblies and their dispersal, etc. Service-oriented functions will include rendering service of a general nature during fairs and festivals, rescuing children lost in crowds, providing relief in distress situations arising from natural calamities, etc (para 15.39)

As far as investigative tasks are concerned we have a clear ruling from the Supreme Court that the nature of action to be taken on conclusion of investigation is a matter to be decided by the police only and by no other authority—*vide* para 18 of the Supreme Court judgement in criminal appeal No 218 of 1966 reported in AIR 1968 Supreme Court 117 (V 55 C 32) It may, therefore, be safely projected as a fundamental principle governing police work that the investigative tasks of the police are beyond any kind of intervention

by the executive or non-executive. Any arrangement in which the investigative tasks of the police are sought to be brought under executive control and direction would go against this fundamental principle spelt out by the Supreme Court and hence should be deemed illegal We would, therefore, recommend in the first place that all the executive instructions issued by the government having a bearing on investigative tasks of the police may be scrutinised and either cancelled or modified to conform to the above principle. (para 15.40)

In the performance of preventive tasks and service-oriented functions, the police will need to interact with other governmental agencies and service organisations. For example, in planning preventive measures in a near-strike situation in an educational institution or an industrial unit, police will have to keep in touch with the educational authorities or the labour departmental authorities to have a proper perception of the developing situation. In the performance of such preventive tasks there is considerable scope for exercise of discretion, having in view the overall public interests involved in any particular situation. Every police officer should normally be left free to exercise this discretion on his own judgement but there may be situations the disposal of which may have repercussions beyond the jurisdiction of one police officer and it will become necessary in such cases for the supervisory ranks to step in and exercise discretion at their level Extending this analogy one can visualise a State-wide situation in which the exercise of discretion in regard to preventive tasks may have to take into account several factors of State-wide significance and it would be appropriate in public interest that the exercise of discretion in such situations conforms to some policy approach that may be evolved at the highest political level in the government which has the ultimate responsibility for proper governance of the State. We, therefore, recommend that in the performance of preventive tasks and service-oriented functions police should be subject to the overall guidance from the government which should lay down broad policies for adoption in different situations from time to time. There should however be no instructions in regard to actual operations in the field The discretion of the police officer to deal with the situation, within the four corners of the overall guidance and broad policies, should be unfettered An erring officer can always be made accountable for his action. Such policy directions should be openly given and made known to the State Legislatures also as and when occasion demands. (para 15 42)

We have already referred to the weakening of the normal chain of command resulting from unauthorised interference with police work by political and other extraneous sources. To restore the capacity of the police as an organisation to resist such pressures and illegal or irregular orders, we consider it would be extremely useful if the Chief of Police in a State is assured of a statutory tenure of office Such a tenure will strengthen his position and enable him to stand up effectively against unhealthy pressures on the system. The tenure may be fixed as a period of four years or a period extending upto the date of his retirement or promotion in the normal course, whichever is shorter This tenure should be put on a statutory basis by being included in a specific provision in the Police Act itself It shall also be provided that the removal of the Chief of Police from his post before the expiry of the tenure period shall require approval from the State Security Commission whose set-up is being recommended separately (para 15 43)

We recommend that the posting of Chief of Police in a State should be from a panel of IPS officers of that State cadre prepared by a Committee of which the Chairman of the Union Public Service Commission will be the Chairman and the Union Home Secretary, the seniormost among the heads of Central Police Organisations, the Chief Secretary of the State and the existing Chief of Police in the State will be members The panel should not have more than three names at any time Posting from the panel should be according to seniority. We visualise that in the future police set-up at the Centre and in the States, the Chiefs of State Police and the Heads of Central Police Organisations will be of comparable status and it should be possible for the Central and State Governments to arrange for periodic inter-change of officers at this level without involving any loss of rank or status as experienced now. The association of the Central Government and the State Govern-

of every police officer to recognise this primacy and stoutly resist any interference with the course of his duties as enjoined by law and in accordance with the Constitution, we feel it would be appropriate if every member of the police is made to swear or solemnly affirm a declaration embodying this fundamental principle, at the time of his joining the police, whatever be the rank of entry. (para 15 64)

Apart from the initial declaration at the time of joining the police, it would further serve the purpose and embed the principle firmly in the minds of all the police officers if this declaration is remembered and repeated by them in groups and assemblies of police personnel drawn up on an annual ceremonial occasion like the 'Police Commemoration Day' which is observed on 21st October, every year (para 15 64)

The structuring of the initial training courses and the later in-service training courses for all police personnel should be suitably designed to facilitate the growth of proper attitude and sense of values on the part of every police officer, viewing himself throughout as a servant of law to uphold and protect the dignity and rights of every individual fellow citizen of the country (para 15 65)

GRAM NYAYALAYAS

The mounting pendency of cases in court in the present system of trials with emphasis on procedures and rituals rigidly spelt out in law, cannot be brought down within manageable limits except by devising a totally new system with simpler procedures to deal with ordinary crimes involving simple and straight evidence Such a new system would not only ensure inexpensive and speedy justice but, what is more, would also help in preserving the harmonious relationships in the community which usually get affected if criminal matters are subjected to prolonged trials which might ultimately involve prison sentences also This is particularly relevant in the rural areas where community opinion and village harmony have been and continue to be perceptible factors of life (para 16 2)

During our tours in the States and discussions with a wide cross section of the public as also the services, we got the impression that the working of Nyaya Panchayats, though well conceived in principle, suffered in practice, mainly because of the lay members of the Panchayat being subjected to local influences and pressures which defeated the purpose of an objective and fair disposal of cases handled by the Panchayats It was also pointed out that a Nyaya Panchayat solely made up of lay members was unable to handle the judicial work with requisite attention to the minimum requirements of a judicial process It was further mentioned that Nyaya Panchayats would function far more effectively if they were manned by trained persons with a certain minimum knowledge of law, rules and procedure (para 16 10)

We appreciate that if the Nyaya Panchayats are made up of knowledgeable and academically competent persons alone, they would lose their lay character and, therefore, would merely appear as an extension of the existing sophisticated court system which, for a variety of reasons, does not command the confidence of the rural folk On the other hand, if the Nyaya Panchayats are made up only of lay men who come up through a process of election, direct or indirect, they would become susceptible to unhealthy influences and pressures which may conflict with the interests of justice We have, therefore, to adopt a *via media* which would preserve the lay character of the Nyaya Panchayat and at the same time ensure the disposal of cases with due regard to certain minimum judicial requirements (para 16 11)

The observations of Justice Bhagwati Committee on the advantages of the Nyaya Panchayat system and its recommendations regarding the composition of a Nyaya Panchayat and procedures for transaction of its business are set out in paragraphs 6 11 to 6 31 of the Committee's report which are furnished in Appendix VIII (para 16 13)

We have carefully gone through Justice Bhagwati Committee's report and we find ourselves in whole-hearted agreement with it. We fully endorse the recommendations therein,

subject to the modifications and refinements as spelt out in the following paragraphs, which we consider desirable in the present context. (para 16.14)

The new courts proposed at the grass roots level may be called 'Gram Nyayalayas', avoiding any reference to Panchayat as such so that they may not be viewed as an adjunct or extension of the Panchayats which are totally executive bodies with which political functionaries are associated (para 16 15)

A Gram Nyayalaya shall be made up of three Members. One shall be the Presiding Judge who will be appointed by the District Judge from retired judicial officers or other retired Government servants who, from their experience while in service, would have acquired the requisite knowledge of law and minimum requirements of judicial processes (para 16 16)

Two other members of the Gram Nyayalaya shall be lay members appointed by the District Judge from a panel of names prepared by the local elected body that goes by the name of Panchayat Samiti/Panchayat Union/Block Committee or its equivalent, in the manner described below (para 16.17)

One Gram Nyayalaya *shall cover about* 25 *to* 30 *villages coming under* 8 *to* 10 *Panchayats. This would mean about* 5 *or* 6 *Gram Nyayalayas* in the jurisdiction of one Panchayat Union/Panchayat Samiti The headquarters of each Gram Nyayalaya shall be fixed at some suitable place within the group of villages in its juristiction (para 16.18)

The Presiding Judge for all the Gram Nyayalayas within the jurisdiction of a Panchayat Samiti shall be the same person appointed by the District Judge in the manner prescribed earlier. The lay members of each Gram Nyayalaya will however be separate for each Nyayalaya The Panchayat Pradhans relevant to the jurisdiction of each Gram Nyayalaya will be associated in proposing the names of lay members for that Gram Nyayalaya The presiding Judge shall hold proceedings of each Gram Nyayalaya in the Panchayat Samiti by visiting the respective headquarters once a month by turn, or more often if required by the volume of work to be handled, and associate the two local lay members with the proceedings in each place (para 16 19)

The presiding Judge and the two lay members shall normally hold office for a term of 3 years from the date of appointment. They shall be deemed to be public servants as defined in the Indian Penal Code while they hold office (para 16 20)

Gram Nyayalayas shall have exclusive criminal jurisdiction over the offences that are assigned to them in the relevant law. (para 16 21)

Gram Nyayalayas shall not be bound by procedural codes or laws of evidence Their proceedings shall be in the nature of an inquisitorial inquiry which would mean that the Gram Nyayalaya would itself take a positive role in the inquiry to ascertain the facts regarding the involvement or otherwise of the person concerned instead of merely functioning as an adjudicating body to give its view on two versions put before it, one by the prosecution and the other by the defence (para 16 25)

Parties to the proceedings before the Gram Nyayalayas shall not be allowed to be represented by lawyers. Exceptions may arise when a person happens to be arrested or otherwise detained in custody in connection with an offence related to the proceedings before the Gram Nyayalaya, in which case the provisions of Article 22(1) of the Constitution may get attracted. The observations of the Supreme Court in the case of State of Madhya Pradesh versus Shobharam and others (AIR 1966 SC 1910) would be relevant in this connection. (para 16 26)

The findings of the Gram Nyayalaya shall be based on the majority view of the component members including the Presiding Judge, subject to the provision that in any case where the two lay members agree on a finding with which the Presiding Judge does not agree, and the Presiding Judge is clearly of the opinion that it is necessary for the ends of justice to submit the case to a higher court, he shall record the grounds of his opinion and submit the case for adjudication by the Chief Judicial Magistrate We are recom-

mending this procedure specially to guard against local unhealthy influences and pressures operating on the system (para 16 29)

Punishment awardable by a Gram Nyayalaya shall be limited to fines not exceeding to Rs. 500. Fines shall be recoverable by processes applicable to arrears of revenue A Gram Nyayalaya shall not be competent to award any sentence of imprisonment, even in default of payment of fine. (para 16 30)

If in any particular case, having regard to the circumstances thereof, the Gram Nyayalaya feels that the person found guilty by its merits a more serious punishment than is awardable by the Gram Nyayalaya, it shall remit the case to the chief Judicial Magistrate of the district for further action on the lines indicated in section 325 Cr P C (para 16 31)

MAINTENANCE OF CRIME RECORDS AND STATISTICS

Maintenance of crime records at the police station level and submission of periodic reports and returns from there to the district level and the State level should be so designed as to fit into a scheme of computerised maintenance of data/information at the State level/ National level (para 17 5)

Changes in the existing crime record system in different States should be minimal for the limited purpose of achieving the objective mentioned above (para 17 5)

Detailed recommendations made by a Committee of DIsG set up in 1962 regarding the type of records to be maintained at police stations may be kept as model and worked upon further in States (para 17 5)

A District Crime Record Bureau, State Crime Record Bureau and the National Crime Record Bureau should be set up with legal backing and adequate staff (para 17 5)

The Central Finger Print Bureau which is now located in Calcutta should merge with the National Crime Record Bureau which may be located either in Delhi or Hyderabad Hyderabad location will facilitate useful interaction with the SVP National Police Academy. (para 17 5)

Collection and maintenance of data for national and Interpol purposes, at present handled by the Bureau of Police Research and Development and the Central Bureau of investigation, may be integrated with the proposed National Crime Record Burueau. (para 17 5)

Computerisation of Finger Prints at the State level and National level should be taken up on hand and completed within a reasonable time frame, say five years (para 17 5)

Communication channels in the shape of VHF telephones and teleprinters between police stations and district headquarters, between district headquarters and State headquarters, and the final link up with the headquarter of the National Crime Record Bureau should be built up to facilitate prompt exchange of data/information This will be very necessary to aid investigational work and reduce infructuous arrests and prolonged detention of persons on mere suspicion without adequate grounds (para 17 5)

One or more educated constables must be specifically designated in every police station as Collators who will be responsible for maintenance of crime records at the police station, preparation of the input forms originating from the police station in respect of all police computer applications, placing all computer output received in the police station before the Station House Officer for their effective utilisation, handling the P & T telephone and other technical equipment, if any, in the police station, and generally assisting the Station House Officer in all correspondence with the District Crime Records Bureau and the State Crime Records Bureau (para 17 5)

The existing "Identification of Prisoners Act, 1920" should be replaced by a new comprehensive law which may be called "The Crime and Offender Records Act" which would facilitate the collection of wide ranging data and information regarding crimes and criminals which would be of use not only to the police in the performance of their investigative jobs but also to the functionaries in probation services and correctional institutions

besides criminologists and social scientists, in their respective fields of correctional work and analytical studies A draft for the proposed new Act is enclosed to the report as Appendix XII. (para 17.7)

Government of India should continue financial aid in increasing measure to the States for installing computers in the police communication and record systems and complete a time bound computerisation plan. (para 17.8)

Third Report*

POLICE AND THE WEAKER SECTIONS OF SOCIETY

For determining the special role and responsibility of the police towards weaker sections of the society, it would not be possible to evolve precise parameters for identifying and labelling any particular section of the society as weak in absolute terms It is the relative state of helplessness or defenceelessness of a person or class of persons in securing the legal rights to which they are entitled under the law of the land in regard to their life, property and other matter that should determine his or their 'weakness' for this purpose. Those who are subjected to social injustice and different forms of exploitation on account of poverty or ignorance besides age old traditions, customs, beliefs and the interplay of vested interests that have grown around them would constitute the weaker section as viewed from this angle. We would, therefore, adopt this parameter for the police to identify the weaker section in any given context and determine police response to their situation in accordance with our observations and recommendations in this Chapter. (para 19 1)

State Governments may set up Special Courts under section 15A(2)(iii) of the Protection of Civil Rights Act to bring down the large pendency of cases in court (para 19 6)

Government may consider further amending the Act to specify that no appeal or application for writ or an order passed by the State Government for imposing a collective fine under section 10A shall be entertained by any court until the fine amount is deposited with a specified authority (para 19.7)

In the recording and reporting of crime statistics regarding atrocities on Scheduled Castes, no uniform criteria appear to have been adopted in the States The Ministry of Home Affairs may issue comprehensive guidelines for classifying crimes as 'atrocities' to ensure proper recording and analysis of all such offences over a period of time on country-wide basis. (para 19 9)

An undue emphasis on mere statistical reviews is likely to induce suppression of crime by non-registration of cases Complaints from individual members of Scheduled Castes regarding isolated instances of victimisation may get ignored by the police unless they are backed by a collective demand from a group for appropriate police action under the law State Governments also tend to rely on statistics of recorded crimes to claim improved performance in the maintenance of law and order It is important for all concerned to see the danger of a false statistical picture deluding them into a belief that all is well while in fact atrocities might be continuing without any notice by the police Police in action would in turn encourage further atrocities and the situation would thus deteriorate in the field, contrary to statistical claims in Legislature debates. (para 19 10)

Special Cells may be set up in the police department in each State to—

(*i*) monitor the progress of investigation of cases under the PCR Act or other atrocities against Scheduled Castes/Tribes registered in district police stations,

(*ii*) make inquiries or investigations into complaints from Scheduled Castes/Tribes or other weaker sections of the people that may be received directly in the Cell;

*Chapter XXVI, pp. 51-61.

(*iii*) discuss with the prosecuting staff the progress of cases pending trial to ensure satisfactory marshalling and presentation of evidence in court;

(*iv*) collect statistical and other relevant data for reviewing the state of implementatio of the PCR Act from time to time, and

(*v*) collect intelligence regarding the actual ground situation and identify areas which require special attention for protecting the Scheduled Castes/Tribes and other weaker sections of the people from exploitation and injustice (para 19.12)

Besides the above-mentioned cell which would function as part of the police set up in the State, a composite cell may be constituted at the district level to look into a wide variety of complaints that might emanate from the Scheduled Castes/Tribes, not necessarily linked with criminal offences as such but relatable to lapses in administrative measures meant for their relief Since the work of this cell will be mostly in the nature of making an inquiry after scrutiny of departmental documents and ascertaining the factual position in the field by examining affected persons, it would be desirable to staff this composite cell with senior and experienced officers from the Revenue, Police, Social Welfare, Education Cooperation and Development departments within the district It would be further helpful to this cell if an auditor or accounts officer from the local fund audit set up in the State or any other similar agency is also associated with the cell in the inquiry work wherever necessary. (para 19.14)

The head of this composite cell at the district level should be an officer of the rank of Sub-Divisional Officer and its work may be overseen and periodically reviewed by a District Committee of which the District Collector could be the Chairman and the District Superintendent of Police could be the Vice-Chairman, with the District Social Welfare Officer and District Educational Officer as its members along with some representatives from the public, known for their interest and involvement in social work (para 19.14)

A suitably constituted State level Committee under the chairmanship of the Minister in charge of Social Welfare can periodically review the working of the composite cells in districts. (para 19 14)

The special cell envisaged as part of the police set up for handling inquiries and investigational work connected with the PCR Act and atrocities on Scheduled Castes/Tribes may be referred to as 'Special Investigating Cell' The composite cell at the district level which will have a wider charter of duties and responsibilities to look into a variety of complaints relating to the interests of Scheduled Castes/Tribes may be called the District Civil Rights Cell (DCRC) The State Level Committee to oversee the working of DCRCs may be called the State Civil Rights Committee (SCRC) The SCRC and the DCRCs may be declared as committees set up under Section 15A(2) (iv) of the PCR Act and clothed with necessary authority and powers under the relevant rules (para 19 14)

An important cause for the dissatisfaction of the Scheduled Castes and other weaker sections of society about lack of police response to their plight in certain situations is that the police do not take cognisance of their complaints of ill-treatment at the hands of the upper castes, pleading the excuse that the complaints usually relate to non-cognizable offences like hurt under section 323 I P C , assault under sections 352 or 355 I P C. and insult or criminal intimidation under sections 504 or 506 I P.C Police response to a non-cognizable complaint should be suitably specified in law to facilitate effective response on either of two grounds, namely, (*i*) to protect a member of the weaker section from exploitation or injustice or (*ii*) to prevent a possible breach of public peace that might result from absence of effective action on the complaint of a non-cognizable offence which has the potential for generating public reaction with consequent reprecussion on public order Section 155 of the code of Criminal Procedure may be amended on the lines indicated in the report to facilitate this response by police (paras 19 15 and 19.17)

A sample survey has disclosed several deficiencies in the scheme of allotment of land to

the landless poor who include a large number of Scheduled Castes. The following remedial measures are suggested.

(*i*) There is clear need for a separate comprehensive legislation setting out the procedure for the allotment of land (house site as well as agricultural land) to landless poor, particularly Scheduled Castes and Scheduled Tribes This legislation should also spell out an effective procedure for eviction of unauthorised occupants after the allotment has been duly made under the law The state itself should assume responsibility to initiate eviction proceedings on the basis of information or intelligence that may be available to it, instead of leaving it to the aggrieved allottee to make a complaint as such.

(*ii*) Section 441 IPC relating to criminal trespass may be amended on the lines adopted in Uttar Pradesh.

(*iii*) Police officers from the local police station should also be associated with the act of formally handling over vacant possession of land to the landless as and when it is done by the Revenue or other authorities directly concerned with it. A brief record should be made in the police station records also about the fact of such handling over and the identity of the parties concerned.

(*iv*) It should then be deemed a part of police duties to collect intelligence about violations of such allotment orders and make a report thereof to the Revenue authorities concerned for immediate corrective action under the law. Police should also simultaneously take action for investigating the connected offence of criminal trespass While police responsibility will be confined to the investigation and prosecution of the offender, his actual eviction from the land will be done by the Revenue or other authorities concerned under the provisions of the existing law or the separate law as proposed earlier

(*v*) While framing a separate legislation to govern the allotment of land to the landless poor, State Governments might keep in view some of the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 which appear to be very effective for purposes of eviction of unauthorised occupants (para 19 22)

Police headquarters in each State should periodically compile and circulate among the field officers a detailed note indicating the scope and responsibility of the police for the investigation of specified offences under several Central and State Acts meant for the economic and social uplift of the weaker sections of the society like the Bonded Labour System (Abolition) Act of 1976, Minimum Wages Act of 1948, Assam Moneylenders Act of 1934, Rajasthan Scheduled Debtors (Liquidation of Indebtedness) Act of 1976, etc. (para 19 23)

One of the situations resulting in considerable distress and hardship to the weaker sections of the community relates to motor vehicle accidents resulting in death or serious injury to persons on the road A system has been institutionalised in Tamil Nadu in which the police are required to furnish relevant information and data in a prescribed form to the Motor Vehicle Accident Claims Tribunal as soon as investigation is taken up in any accident case Copies of these statements are also simultaneously furnished to the district committee of the State Legal Aid and Advice Board which immediately gets into action for initiating the prescribed processes for getting the compensation amount to the victim The Tamil Nadu State Legal Aid and Advice Board has reported that the total amount of compensation awarded during the period from 1-1-79 to 31-10-79 in respect of motor accident cases has totalled to Rs 2,76,250 which is vast improvement over the position as it obtained before the scheme came into operation This scheme is commended for adoption in all States and Union Territories (para 19 25)

There is also another scheme in Tamil Nadu for immediate payment of cash relief to the victim or his family in motor vehicle accident cases on the assessment and recom-

mendation of the investigating police officer. This payment is sanctioned through a simple procedure at the district level itself and therefore the cash relief is promptly secured for the victim, on the initiative of the police This monetary relief may go up to Rs 1,000 depending on the circumstances of the case, and is without prejudice to any further payment that may be ordered later as compensation by the Motor Vehicl Accident Claims Tribunal. This scheme is also commended for adoption in all State and Union territories. (para 19 26)

Motor Vehicle Accident Claims Tribunals may be conferred with the powers of criminal court for enforcing attendance of witnesses (para 19 27)

Section 110 E of the Motor Vehicles Act may be amended to provide for the execution of the compensation award as a decree of the court so that the amount can be recovered through court earlier than by the present procedure of recovery of arrears of land revenue (para 19 28)

In the Second Report of the Commission the setting up of a State Security Commission has been recommended to oversee the working of the police in certain aspects The overall quality of police response to complaints from weaker sections in different situations would be assessed and taken note of by the State Security Commission in the normal course It might facilitate a better appreciation of police performance in this regard if it could be so arranged that one of the non-official members of the State Security Commission is from the Scheduled Castes/Scheduled Tribes (para 19 29)

Beyond observing that the composition of the staff in the police system as a whole should reflect the general mix of communities as exist in society and thereby command the confidence of the different sections of society that the system would function impartially without any slant in favour of any community as such, we would not advise the fixation of any rigid percentages for staffing the police system on the basis of caste or community (para 19 30)

Police personnel at different stages of training may be motivated and oriented to deal with the problems of weaker sections with due understanding and sympathy (para 19 31)

VILLAGE POLICE

Though the village chowkidar has become practically useless as far regular police work is concerned, a total abolition of this system without an alternate scheme, equally simply and inexpensive, for aiding police work in the villages would create difficulties for the regular police who now have in the village chowkidar at least one contact point, however inefficient it may be, to attempt collection of information in any specific situation Since collection of information is a fundamental requisite of all field work in the police, the police will be greatly handicapped if they do not have at the village level at least one functionary who will have his ears to the ground and be in a position to help them with useful information whenever needed. (para 20 4)

The village chowkidari system should not, therefore, be given up altogether but should be made to function effectively by eliminating the existing deficiencies and, what is more important, linking it effectively with the functioning of a group also at the village level While the services of an individual functionary like the chowkidar would be required on a continuing basis to keep a general vigil in the village from the police angle, the services of a group as such may be required only at intervals in specified situations For example, arranging crime prevention and relief work in a cyclone or flood affected area, organising preventive measures against movements of dacoit gangs that might be suspected at any particular time, arranging preventive patrols against sabotage of communication lines or other vital installations that might lie in the rural area when there is a threat of such sabotage, etc , are tasks for the performance of which a village level defence group would be more effective than alone village chowkidar. (para 20 16)

The existing chowkidari system may be retained and strengthened with the following provisions built into the system:

(*i*) Minimum age limit of 20 years for appointment and maximum age limit of 60 years for remaining in service may be adopted.
(*ii*) Ability to read and write the regional language should be insisted upon.
(*iii*) He should be a resident of the village. Preference should be given to a person having some avocation in the village which would give him the means of reasonable livelihood without total dependence on the remuneration he might get from Government.
(*iv*) He may be assigned some village common land for cultivation and enjoyment of its produce, subject to his continued functioning as chowkidar satisfactorily.
(*v*) He should be under the administrative control of the Police Department and should be paid through them on a regular monthly basis
(*vi*) His pay should be fixed at a reasonable level which would appear attractive by the standard of village economy.
(*vii*) He should not be involved in the performance of tasks concerning other Government departments If the other departments require the services of a similar village level functionary for their purposes, they should be separately appointed and administered by them.
(*viii*) His duties will include—
    (*a*) general maintenance of vigil in the village from the point of view of crime prevention; and
    (*b*) being alert and sensitive to any intelligence regarding village affairs which are likely to lead to a law and order situation and pass on such intelligence promptly to the regular police.
(*ix*) He should also have powers to arrest and detain persons who may be either caught red handed while committing certain specified offences in the village or may be found in possession of property in circumstances which create the suspicion of the commission of any of the specified offences The chowkidar will hand over to the regular police without delay any person so arrested along with the property seized from him, if any (para 20 19)

Besides the village chowkidar there should be village defence parties organised in such a manner that they can be got together whenever an occasion needs their services for collective action to deal with any specific situation in the village They may be organised for one village or a group of villages as may be found operationally convenient One of the members of the village defence party should be designated as the dalapati who will function as their leader The village chowkidar shall, *ex officio*, be a member of the village defence party The organisation and set up of the village defence party and the dalapati including the procedure for their appointment and administrative control and their duties and responsibilities may be broadly on the lines of the Karnataka pattern as detailed in paragraphs 20 6 to 20 11 of the report (para 20 21)

While the administrative control over the village defence parties and dalapatis will remain with the police, it would be desirable to associate a functionary at the Panchayat Union or Block level in the Panchayat administration in exercising supervision over the work of dalapatis (para 20 24)

It would greatly facilitate prompt exchange of information relevant to their tasks if a residential telephone is provided for the dalapati in each village defence party wherever technically feasible In fact this telephone can function in the manner of a Public Call Office which would also facilitate its use by the other members of the village community in an emergency Such facility would greatly enhance the status of the dalapati and his utility to the village community Government may consider the grant of an advance to help purchase of cycles by the members of the village defence parties including the chowkidar

The grant of a small allowance to the chowkidar for the maintenance of his cycle may also be considered (paras 20 26 and 20 27)

The scheme of village policing as detailed in this report envisages a comprehensive set up including the village chowkidar, village defence parties and the dalapati with appropriate administrative and supervisory control measures to secure the ultimate objective of the system, namely, effective involvement of the village community in self-defence, besides co-operating with the regular police in the performance of police tasks Village chowkidars are at present functioning in some States under a separate Act enacted a long time ago Village defence parties have been set up in a few States under some recent legislation We recommend the legislation of a separate comprehensive Act by the State Governments to set up the village police system including both as proposed (para 20 28)

SPECIAL LAW FOR DEALING WITH SERIOUS AND WIDESPREAD BREACHES OF PUBLIC PEACE OR DISTURBANCE OF PUBLIC ORDER

It is clear from a close assessment of the present crime trends that the administration has to be fully geared to handle situation in which violent crimes are most likely to increase, intensity of physical harm and damage done to persons and property will be more, and there will be widespread disturbances to public order The present style of police functioning in the event of communal outbursts or other serious breaches of public peace has been more in the nature of a fire fighting operation focused on the immediate objective of restoring order on the spot Police operations have not been successful in effective follow-up action through the processes of investigations and court trials to bring home to the law-breakers the penal consequences of their action Investigations get seriously hampered by the reluctance of witnesses to speak in evidence against the accused persons who, even if arrested by the police, get easily enlarged on bail under the existing law and wield threatening influence on the witnesses Further, the evidence normally available in such situations does not always establish a direct nexus between the offences and the real instigators to the extent required under the existing law and procedure to attract penal notice Criminal liability of individuals when they participate in group violence is difficult to establish under the existing law which is essentially designed to deal with acts based on individual knowledge and intention. The consequent ineffectiveness of the existing processes of law is an important cause for the continued prevalence of criminal attitudes and behaviour of the law breakers The legislative armoury should be specially designed and strengthened to facilitate effective police action in such situations. (para 21 18)

In the context of the law and order situation of the country as it has developed now, we would need some special provisions in law, which would lie between the provisions in normal law applicable to ordinary crime situation on one side and the stringent provisions of an Emergency on the other. These special provisions should be made available in a comprehensive Central legislation which could be invoked and applied to any specified area as and when necessary. An area may be deemed to be a disturbed area and proclaimed as such for this purpose by a State Government if it is satisfied that there is extensive disturbance of the public peace and tranquillity in that area by reason of—

(i) differences, or disputes between members of different religious, racial, language or regional groups or castes or communities, or
(ii) occurrence of acts of sabotage or other crimes involving force or violence, or
(iii) a reasonable apprehensi[illegible] of the likelihood of occurrence of sabotage or other crime as aforesaid. ([illegible]

Section 151 Cr. P.C [illegible] to enable the police get the arrested person remanded to custody for a [illegible] ding 15 days in any case, as a preventi[illegible] measure. (para 21.22)

A special law to deal with widespread disorder and breaches of public peace should provide for—

(*i*) notification of any specific area disturbed by widespread disorder and breach of peace as a 'proclaimed area' to which certain provisions of the Act will apply;
(*ii*) suitable definitions of 'riotous mob', 'instigator', 'public property' and 'sabotage' to identify crimes connected with them;
(*iii*) control over movements of persons in the proclaimed area;
(*iv*) tighter control over possession and use of arms and explosives;
(*v*) externment of bad characters from a specified area,
(*vi*) preventive detention for a period not exceeding three months;
(*vii*) attachment of criminal liability to instigators for unlawful acts committed by riotous mobs on their instigation;
(*viii*) Special Courts to deal with offences under the Act as also other specified offences;
(*ix*) presumption regarding culpable mental state unless rebutted by the accused;
(*x*) presumption regarding some aspects of evidence arising from documents;
(*xi*) tightening the provisions regarding 'bail'; and
(*xii*) fixing time limits for the completion of investigations and commencement of proceedings in court.

A draft for the proposed special law which may be called "The Disturbed Area (Criminal Law Amendment) Act" is furnished in Appendix IX of the report (para 21.35)

CORRUPTION IN POLICE

Several administrative ' d legal measures for plugging the loopholes and securing better supervision over police performance for the avoidance of corruption and allied malpractices have been recommended to the States following the Conference of Inspectors General of Police and the Heads of State Anti-Corruption Bureaux Most of these malpratices can be substantially reduced by a system of surprise checks and inspections and effective supervision by honest and well motivated officers at different levels of command within the hierarchy itself However, the reward and punishment mechanism of the system has become totally ineffective because of increasing political interference and therefore, the senior officers, however, determined and committed they might be to the cause of anticorruption work, find themselves unable to deal with some corrupt officers who have political contact and are able to draw political intervention on their behalf whenever anything is attempted to be done to discipline them. The patent inability of a superior officer to deal with a known corrupt subordinate immediately lowers his prestige in the department and induces other subordinates also to seek and develop political contacts as a protective cover to escape punishment for their malpractices We earnestly believe and trust that the implementation of the measures suggested in chapter XV of our Second Report to insulate the police system from political interference would go a large way in promoting an appropriate climate for effectively dealing with the problem of corruption in police. (para 22 7)

The basic responsibility for maintaining the honesty of the force and weeding out the corrupt elements should rest on the supervisory levels in the force and they should be enabled to discharge this responsibility effectively. In this context, their capacity to punish the dishonest personnel should not be diluted in any manner, and likewise their capacity to place honest officers in important and sensitive posts should not also be interfered with. (para 22 8)

To secure honesty and integrity for the system as a whole it is important that the postings of officers in charge of police stations should be the exclusive responsibility of the District Superintendent of Police and likewise the Chief of Police should have the exclusive

responsibility for selecting and posting Superintendents of Police in charge of districts. (para 22 9)

The provisions in the service rules for compulsory retirement after completion of 20 years of service should be resorted to without hesitation to weed out officers with corrupt reputations Evidence regarding this reputation should be assessed by a suitably constituted high level committee in the police headquarters whose satisfaction on the adequacy of material for this purpose should be held final and acted upon A senior representative from the State Judiciary or the Law Department of the State may be associated with this high level committee to ensure an objective assessment of the available material. This Committee should function as a Standing Committee and go through this exercise every year without fail In the case of compulsory retirement ordered on an assessment report from this Committee an appeal may lie to the Government except in cases where the compulsory retirement has been ordered by the Government itself when the appeal shall lie to the State Security Commission envisaged in our Second Report There shall be only one appeal and the matter shall be deemed closed after the disposal of that appeal It would be desirable to lay down a time limit of three months for the disposal of such appeals (para 22 10)

In extreme cases where the stipulated minimum number of years of service may not have been crossed, action for weeding out corrupt officers should be taken by availing the provisions of Article 311 (2) (c) of the Constitution To avoid any doubt regarding the legal propriety of such action under this Article, we would recommend that sub-clause (c) of the proviso to this Article may be amended to read as under.

(*c*) Where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State or the maintenance of integrity in public services in the State it is not expedient to hold such an inquiry (para 22 11)

There should be constant interaction and exchange of intelligence between the Chief of Police and the Head of the State Anti-Corruption Bureau to identify officers of doubtful integrity and plan conjoint action for collection of intelligence to expose their corruption For this purpose the Chief of Police should freely use his powers under the Conduct Rules to demand from a suspect officer a complete statement of his assets, movable and immovable either owned in his name or in the name of any member of his family, either acquired from his own resources or from the resources of his family members (para 22 12)

The Conduct Rules applicable to the State police personnel in different ranks may be suitably amended to incorporate a provision on the lines of Rule 16 (5) of the All India Services (Conduct) Rules, where it does not exist (para 22 12)

It is most important that the highest standards of rectitude and straight forward dealings are maintained at the stage of recruitment and training Personnel for manning these branches in the police should be specially selected with reference to their record of honesty, integrity and commitment to genuine police work, and enabled and encouraged to function without interference (para 22 13)

Procedures for recruitment to any level in the police (other than the Indian Police Service, regarding which our recommendations will be made separately) should be evolved within the police system itself without involving non officials or functionaries outside the police department (para 22 13)

While assessing the qualities of supervisory officers at various levels, the positive action taken by the officer to detect the corrupt elements under his charge and deal with them effectively should be specifically commented upon A new column with an appropriate heading should be included for this purpose in the Annual Confidential Report (para 22 14)

The present arrangement of recording the integrity certificate in the Annual Confidential Report may be revised to give the reporting officer three options, one will be to record a positive certificate of integrity if he is convinced that the reported officer enjoys

a good reputation and has performed his work with honesty and rectitude, the second will be to say that he has no material to express a precise opinion on the reported officer's integrity at that stage, and the third will be to say specifically that the reported officer lacks integrity, if the reporting officer becomes aware of any material to suspect the former's integrity. (para 22.15)

If annual entries regarding an officer's integrity are recorded in the manner suggested above, there will be no need to obtain a special certificate of integrity at the time of an officer's promotion if he has a consistently good record with positive entries of integrity to this credit But in cases where the entries do not disclose a precise assessment of integrity, a special certificate of integrity should be called for from the officer who is designated as reviewing officer for the purpose of his annual confidential report, and in the case of officers of the rank of Inspector of Police and above an additional certificate of integrity should be obtained from the Head of the State Anti-corruption Bureau (para 22 16)

In line with the procedure we have earlier recommended for the appointment of the Chief of Police in a State we suggest that the posting of the Head of the State Anti-Corruption Bureau should be from a panel of I P S officers of that State cadre prepared by a committee of which the Central Vigilance Commissioner will be the Chairman and the Secretary in the Department of Personnel and Administrative Reforms at the Centre, the Head of the Central Bureau of Investigation, the State Vigilance Commissioner (or in his absence the Chief Secretary of the State) and the existing Head of the State Anti-Corruption Bureau will be members Posting of the other staff for the Bureau should be left to the Head of the Bureau (para 22 17)

The tempo of anti-corruption work within the department will largely depend on the initiative and seriousness of purpose shown by the senior officers If their conduct in day-to-day administration and the manner in which they treat and move with known corrupting elements in society do not inspire confidence among the subordinate from the angle of integrity, it will be very difficult to sustain effective anti-corruption work in their charge Senior officers whose time is mostly taken up in the management of their own private business in the shape of farms or other property to the prejudice of their regular official duties can hardly inspire and enthuse the subordinate officers to remain straight and honest in all their dealings We would, therefore, like to underline the special responsibility of the senior cadres in police to function effectively as champions of integrity and cleanliness in all that they do (para 22 18)

Several policemen are under an erroneous impression that an arrest is mandatory under the law while investigating a cognizable case A sample study has disclosed that a major portion of arrests made by the police is really not justified from the point of view of crime prevention There is a clear case for reducing the number of arrests in police work This will also reduce the scope for allied corruption. (paras 22.23 and 22 25)

Sections 2 (c) and 2 (l) Cr P C should be amended to remove the emphasis on arrest in the definition of cognizable and non-cognizable offences (para 22 25)

Section 170 Cr P C may be amended to remove the impression that it is mandatory to make an arrest in non-bailable cases In the amended form as recommended in the report, the section would also provide for taking security from an accused for appearance before the investigating officer or the court, without a formal arrest as such (para 22 26)

Guidelines may be laid down for making arrests as indicated in the report. Departmental instructions may insist that a police officer making an arrest should also record in the case diary the reasons for making the arrest, thereby clarifying his conformity to the specified guidelines (para 22 28)

We endorse the recommendations in the 78th Report of the Law Commission regarding release on bail (para 22 29)

While on one hand the suggested amendments in law would secure release on bail for a larger number of persons than at present, we are anxious that it should not on the other hand enable hardened criminals to escape restraint on their movements which may

be very necessary in the context of certain situations. We are aware of many instances in several States in which hardened professional criminals after getting released on bail in a case under investigation or trial had committed further offences while on bail, and again got released on bail after the second arrest To provide for such cases we recommend that the following proviso be added under sub-section (3) of section 437 Cr P C —

"Provided that before ordering the release on bail of such person, the Court shall have due regard to

(*a*) the likely effect on public order and public peace by the release of such person, and

(*b*) his conduct after release on bail on a previous occasion, if any,

as may be brought to the notice of the Court by the police officer investigating the case in connection with which the aforesaid person was taken into custody" (para 22 30)

Guidelines may be issued for the use of handcuffs on arrested persons, on the lines indicated in the report (para 22 31)

Police stations may be provided with adequate imprest amount to meet a variety of contingent expenditure in day to day work It is very important to remove this deficiency in police stations since it compels even honest officers to wink at certain malpractices by their subordinate officers which in turn breed downright corruption for personal gain (para 22 32)

ECONOMIC OFFENCES

Tax evasion, manipulation of stocks and share, fraud in licences and permits, profiteering, blackmarketing, hoarding, adulteration of drugs, food stuff, and other essential commodities are examples of economic offences By their very nature these crimes have no overt aggressive physical aspect as the traditional crimes like murder, dacoity or theft have, but are committed in a highly organised manner involving a lot of background activities and sophisticated methods under a facade of law abiding life to escape detection These crimes involve high economic stakes and the offenders gain at the enormous expense of the government and the community as a whole (para 23 1)

Failure in dealing with economic crimes generates cynicism among the ordinary people who tend to exclaim that the rich and influential can get away with non-payment of taxes, dishonest trade practices, etc , which help them make more and more money, while the processes of criminal law are severe with the ordinary people who happen to commit ordinary crimes in situations of economic stress To restore the confidence of the ordinary man in the efficacy of the rule of law it is most important to ensure that these economic offences are effectively handled by the police and accused persons concerned are demonstrably brought to book (para 23 3)

A separate economic offences wing may be set up in the state police on the pattern adopted in Asam where they have a Bureau of Investigation (Economic Offences) headed by an officer of the rank of Additional Inspector General of Police and staffed by officers drawn from the Police, Sales-Tax, Transport, Forest, Excise, Agriculture, Supply and Audit departments It is the composite nature of the inquiry staff in this organisation that increases its effectiveness in the investigation of economic offences requiring a deep probe into several matters affecting more than one department (para 23.8)

Financial considerations should not deter the State Government in setting up these wings since it has been amply demonstrated in the case of CBI and a few States that the cost of the additional staff is more than off set by the gain to the State exchequer by way of recovery of concealed income, besides heavy fines realised through courts (para 23 8)

It would be advantageous from the point of view of building up expertise and optimis-

ing the utilisation of the investigating staff if the Economic Offences Wing functions under the overall charge of the Special Inspector General of Police or Additional Inspector General of Police who is incharge of the State CID. (para 23 9)

A small training course may be developed in the Police training institution in each State which can be conveniently attended by the Investigating Staff of the State Economic Offences Wing. Lectures on appropriate subjects can be arranged at this course from senior officers of the different departments in the State dealing with the various subjects like sales-tax, entertainment tax, agricultural loans, subsidies, etc (para 23 11)

A concerted drive in all the States to expose the embezzlement in Cooperative Societies, recover large amounts of embezzled money from the accused concerned and get the powerful and influential accused duly convicted in court, would put down this crime considerably and enable the financial benefit of cooperative movement to reach the sections for whom it is really intended (para 23 12)

In their Forty-seventh report (1972) the Law Commission had recommended that the minimum fine for an economic offence should not be less than the amount of the ill-gotten gains of the offender arising from the offence committed by him We, however, notice that no amendment has been made in individual economic enactments like the Essential Commodities Act or Drugs and Cosmetics Act or the Prevention of Food Adulteration Act, etc , to give effect to this recommendation This omission may be made good now with appropriate amendments in the different laws concerned (para 23 13)

The scope of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (SAFEMFOPA) may be enlarged to cover economic offenders also by—

(*i*) appropriately amending the heading and preamble of the Act, to include economic offenders;

(*ii*) including a person convicted under certain specified economic offences like Essential Commodities Act, Prevention of Food Adulteration Act, and Drugs and Cosmetics Act in the category described in section 2 (*a*) of the Act;

(*iii*) including under section 2 (*b*) of the Act any person in respect of whom an order of detention has been made under the provisions of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979 or any similar law for the preventive detention of hoarders and blackmarketeers; and

(*iv*) including in the definition of "illegally acquired property" in section 3 (*i*) (*c*) of the Act any property in the possession of the person which is disproportionate to his known sources of income and for which he cannot satisfactorily account (para 23 14)

The State Security Commission envisaged in our Second Report should specially oversee the working of the Economic Offences Wing, assess the results achieved every year and make an annual report in this regard to be laid before the State Legislature (para 23 15)

MODERNISATION OF LAW ENFORCEMENT

From 1969-70 to 1977-78 all the State Governments put together had spent only Rs 21 76 crore as compared to the Central Government aid amounting to Rs 43 841 crore in the same period for modernising their police forces There is need for a greater involvement of the resources of the State Governments in this matter (para 24 4)

Priority may be given for acquisition of scientific equipment in preference to construction of buildings from the Central grant given to States (para 24 5)

A Central team may be constituted with representatives from the Ministry of Home Affairs, Bureau of Police Research & Development and Institute of Criminology & Forensic

Science to visit the States once in two years and assess the actual ground position in regard to modernisation of the State Police. The quantum of Central assistance to the States may be decided with due regard to the assessment reports of this team (para 24 6)

The Central assistances scheme which operated upto 1978-79 should be continued for another ten years with substantial increase in allotment. (para 24 7)

In the interests of national security as well as police efficiency, the police wireless network should develop its own independent multi-channels for communication through UHF and microwave and they may be immediately allotted the necessary frequencies in this range for providing links between with State headquarter and any point in the districts (para 24 14)

Teleprinter links should be made to cover all the districts and cryptographic machine should be introduced for transmission of classified information. (para 24 17)

Portable pocket sets should be provided to police officers on patrol duty (para 24 18)

The Bharat Electronics Limited which is now the sole supplier of wireless equipment for the police has not been able to meet their requirements fully from 1974 because of priority accorded to the needs of the Ministry of Defence Ministry of Home Affairs may quickly examine the following three alternatives and arrange for a satisfactory source of supply of equipment for the police—

(*a*) a separate captive factory, or
(*b*) dedicating an adequate part of the available capacity of BEL, preferably a complete selfcontained unit of the organisation, to police needs; or
(*c*) farming out standard designs to selected Electronics Corporations set up by various State Governments, or selected industrial units in the private sector having collaboration with leading manufacturers abroad. (para 24.19)

Control rooms with attendant patrol vans should be introduced in all cities with a population exceeding one lakh (para 24 20)

Proposals for the expansion of the Central Police Radio Training Institute and the enlargement of the Directorate of Coordination (Police Wireless) to include a Forward Planning Branch which are now pending consideration of the Ministry of Home Affairs may be quickly decided to implement the expansion plans (para 24 22)

A fully equipped Radio Workshop may be set up in the headquarters of each State and supplemented by regional workshops wherever called for (para 24 23)

Investigating Officer's Kit Boxes which are lying in disuse in police stations should be brought up to date in their contents by localised arrangements and put to effective use. (para 24 24)

Scene of Crime Vehicles may be developed and made available in all district headquarters and other important towns (para 24 25)

Two more Central Forensic Science Laboratories may be established, one in the western region and another in the north-eastern region (para 24 26)

Some allied Units like the Chemical Examiner's Laboratory, State Handwriting Bureau, Fire Arms Examination Section, etc, which are functioning separately in certain States should all be brought under the fold of the State Forensic Science Laboratory (para 24 27)

Regional laboratories may be established to handle certain types of tests which frequently arise in the normal crime work of the State These regional units may have staff and equipment to deal with chemicals (including alcohol), toxicology, documents and photography (para 24 28)

The ultimate results achieved by the research studies under the Research Fellowship Scheme of the Ministry of Home Affairs should be properly followed up and documented in the Institute of Criminology and Forensic Science (para 24 30)

The annual grant given to the Indian Academy of Forensic Sciences by the Ministry

of Home Affairs may be increased substantially to meet its financial needs and enable its journal to be issued quarterly instead of half yearly. (para 24.31)

Single Digit Finger Print Bureaux should be developed in all district headquarters. The Single Digit Bureaux and the State level Finger Print Bureau should all function under the fold of the State Forensic Science Laboratory set up which in turn should be under the administrative control of the Inspector General of Police. (para 24 32)

A 'Central Forensic Science Service' may be set up with a cadre structure suitably designed to provide the personnel for the science wing in the staff of the Bureau of Police Research and Development, Institute of Criminology and Forensic Science, National Police Academy, Central Detective Training Schools, Units of the Government Examiner of Questioned Documents, Central Finger Print Bureau and all Central Forensic Science Laboratories. Modalities for constituting this service and determining its structure and spelling out different methods of recruitment and other service conditions may be gone into by a special committee which may be set up by the Ministry of Home Affairs. (para 24 34)

The existing scheme of Central financial aid to the States for a phased programme of installing computers for police use may be continued to cover all the States very early and meet the requirements of the State Crime Record Bureau and National Crime Record Bureau as recommended in our Second Report. (para 24 35)

The provision of transport for the police at the different levels from the police station upwards may be on the following lines:

(*i*) A jeep should be supplied to each police station Where the officer in charge of a police station is an Inspector of Police, the Sub Inspector in charge of traffic and law and order work may additionally be provided with motor-cycle.

(*ii*) Jeeps should be supplied to Inspectors in charge of circle

(*iii*) Sub-Divisional police officers should be provided with a pickup van

(*iv*) Superintendent of Police and higher officer should be provided with cars or jeeps whichever would be more suitable for the type of their field duties and responsibility A jeep would be more useful to an officer mostly engaged in law and order work

(*v*) Armed police units in the district should be supplied with vehicles at the rate of one for 25 men

(*vi*) Vehicular needs of specialised agencies like Forensic Science Laboratory, Finger Print Bureau, etc , should be determined separately on the merits of each case. (para 24 36)

Police personnel should be encouraged with grants or loans on easy terms for equipping themselves with some kind of transport and also paid a suitable monthly allowance for their maintenance (para 24 37)

A survey of the ground position of vehicles in the different States shows that about 10 to 15% of vehicles in most States are lying off the road undergoing repairs It takes about three months on an average for the repairs of a vehicle to be attended to 7% of the vehicles are lying condemned and no replacement has been made 15% of the vehicles are awaiting condemnation This is a very sorry state of affairs and needs rectification. We recommend the setting up of separate police motor workshops at least at the range level for expeditious handling of all repair work for police vehicles in each range (para 24 38)

SCRIPTORY WORK IN POLICE

The Station General Diary which was introduced by the Police Act of 1861 has now come to be regarded as kind of general purpose register in the police station to record a large variety of information and notes to provide corroboration for the police version of

any matter. Enormous scriptory work developed on this account may be avoided by revising the instructions in the Police Manual and limiting the entries in the Station General Diary to the purpose spelt out in the Police Act (para 25 3)

Several other provisions in the Police Manuals which prescribe a number of other registers and returns relating to the day to day work in police stations may be scrutinised and suitably revised to limit scriptory work to what is really relevant and important in the present context of police work and realities in the field (para 25 4)

A Standing Committee may be formed in every State Police Headquarters which should include, among others, a couple of officers from the police station level and Circle Inspector level, for examining if the periodicity of some of the returns could be altered or some of the returns could be lumped together or even discontinued The Committee could also devise suitable proformae to standardise the collection of data and reduce the load of repetitive scriptory work (para 25.6)

We would like to draw attention to the existing instructions in the Central Government that no action is to be taken on anonymous or pseudonymous complaints We commend the adoption of this policy in all States in regard to anonymous and pseudonymous complaints (para 25 7)

A small statistical cell may be constituted at the State police headquarters to compile information from the material already available in police headquarters whenever required for answering Parliament or State Legislature questions, without making unnecessary references to the subordinate units in the field (para 25 8)

Repeated inspections of police stations by several officers in the hierarchy generate a lot of scriptory work It would be adequate if a detailed inspection of the police station is periodically conducted by officers at the sub-divisional level The administrative cadres at the higher levels may confine themselves to an overall assessment of the quality of police performance at the circle level and above Their visits to police stations should be more to acquaint themselves with the actual field conditions and difficulties of the operating staff rather than to do a fault finding exercise in the name of inspection (para 25 10)

Adequate staff should be sanctioned for the police to handle the scriptory work arising from having to furnish copies of prosecution documents to the accused under Section 173(7) Cr P C (para 25 11)

The supervisory ranks in the police hierarchy, particularly at the level of Inspectors and Sub-divisional officers who do not have a full-fledged office to give them ministerial assistance, should be provided with adequate stenographic assistance for expeditious handling of their scriptory work (para 25 12)

Provision of mechanical aids like typewriters and taperecorders at the police station level would be very helpful in reducing the load of scriptory work presently borne by the investigating staff They may also be encouraged to buy such aids wherever possible by giving them loans or grants for the initial purchase and paying them a monthly allowance for their maintenance A system of payment of typewriting allowance to the investigating staff is in vogue in the Central Bureau of Investigation in the recent years and we commend it to the State police agencies as well (para 25 13)

Adequate supply of the standardised forms and registers for police use should be ensured by developing a separate press for the police department, if the Government Press is found unable to cope with the requirements (para 25 14)

Fourth Report*

INVESTIGATION

The major problems of reform as viewed by the Law Commission in its Thirty-seventh Report were.

(*a*) separation of the judiciary and executive;
(*b*) abolition of the jury trial;
(*c*) simplification of the various categories of trials;
(*d*) Magistrates in Presidency Towns;
(*e*) abolition or retention of the ordinary original criminal jurisdiction of High Courts;
(*f*) the law of arrest; and
(*g*) the duty to give information about offences.

It, therefore, happened that in the above view of the matter, the report of the Law Commission did not adequately deal with several other aspects of procedures which created difficulties for the police while conducting investigations in the field. Compliance of certain provisions in law proved unrealistic and difficult in actual investigations and, therefore, led to the adoption of certain improper methods and practices by investigating officers to meet the requirements of case law as it developed over several years. In the course of our tours in States and discussions with judges, magistrates, lawyers, police officers, general administrators and representative sections of the public, we have identified some aspects of the present procedural law relating to investigations where there is urgent need and ample scope for meaningful reform to make investigations conform to the real situations in the field and help in the expeditious conduct of investigations with minimum inconvenience to persons who may be concerned in specific cases as complainants, witnesses or accused persons (para 27.2)

Section 154 Cr P.C may be amended to—

(*i*) enable the officer incharge of police station to ascertain adequate information from a complainant and incorporate it in the form prescribed for registering First Information Report,
(*ii*) make it clear that the registration of First Information Report is mandatory whether or not the alleged offence has taken place in the jurisdiction of the police station; and
(*iii*) facilitate the recording of First Information Report in constituent units attached to the police station—for example : police outpost or such other reporting centres as may be evolved in the due course. (para 27.6)

The cadre of investigating officers has to be increased The police hierarchy has to be restructured to secure, *inter alia*, a larger number of officers to handle investigational work. (para 27 7)

Provision of adequate transport, strengthening of forensic science laboratory facilities and scientific aids to the detection of crime, the provision of mechanical aids like typewriter and tape recorders at the police station level, improved supply of printed forms and standardised stationery for documentation and scriptory work and the introduction of computers for the maintenance of crime records as suggested in Chapter XXIV of our Third Report would greatly improve the quality and quickness of investigations (para 27.8)

Section 37 Cr. P C may be amended to facilitate the conduct of identification parades by police themselves as an aid to investigation (para 27.9)

*Chapter XXXIV, pp 46-60.

It would greatly help cordial police-public relationship if the examination of witnesses is conducted, as far as practicable, near the scene of offence or at the residence of the witnesses concerned or at some convenient place nearby This arrangement might be secured by the issue of appropriate departmental instructions (para 27 10)

It is desirable to make a specific provision in law that when a person is examined by a police officer under section 161 Cr.P.C no other person shall, except in the exercise of powers under the law, have the right to be present during such examination (para 27 11)

The Code of Criminal Procedure, 1973 has done away with the procedure of preliminary enquiries by magistrates in cases exclusively triable by a Sessions Court Before this Code came into force, the procedure envisaged the examination of material witnesses twice over, once by the committing Magistrate and later by the Sessions Judge Thus, for the same witness, we would have three sets of statements on record, one recorded by the police during investigation, the second recorded by the committing Magistrate and the third recorded by the Sessions Judge It is a basic principle of justice that the findings of the trying judge should be based on what the witnesses actually depose before him, but the availability of detailed statements from the same witnesses before another forum recorded on an earlier occasion provides scope for arguments based on *contradictions* however trivial or natural they might be in the circumstances of any particular case We consider it wholly improper, if not unjust, for the conclusions in judicial proceedings to be largely determined by contradictions in evidence by a mechanical or routine comparison of the statements made separately by the witness before different authorities instead of by probabilities flowing from the evidence The Code of Criminal Procedure, 1973, has rightly eliminated one unnecessary state of recording the detailed statement of a witness by the committing Magistrate A further step would be to do away with the detailed recording of statement as made by a witness. In the course of investigation, and substitute in its place a revised arrangement in which the investigating officer can make a record of the facts as ascertained by him on examination of a witness This shift in emphasis from the statement made by the witness to the statement of facts ascertained from the witness would imply that the statement could be in third person in the language of the investigating officer himself This statement of facts as recorded by the investigating officer would be adequate to assess the evidentiary value of the different witnesses and accordingly cite them in the charge sheet, if and when it is laid in court on conclusion of investigation (para 27 14)

When the statement as described above becomes a statement of facts as ascertained and recorded by the investigating officer, it loses it significance to serve as an earlier statement made by the witness himself in his own language, and, therefore, the question of using that statement for contradiction or corroboration would not arise The present provisions in section 162 Cr.P.C relating to the restricted use of the statements of witnesses could, therefore, become redundant (para 27 15)

A police malpractice brought to our notice is the habit of some police officers to be very cursory in their examination of certain witnesses and then proceed to make a detailed record of the witnesses' statement, assuming it to be what they would like it to be in the context of statements of other witnesses already recorded It is imperative that we put down this malpractice to ensure the honesty and cleanliness of investigations A great measure of credibility could be imparted to the statement of facts as recorded by the police officer after examination of a witness, if he provided in law that a copy of the statement so recorded shall, if desired by the witness, be handed over to him under acknowledgement A similar arrangement already exists for the delivery of a search list prepared under section 100 Cr.P.C to the occupant of the place searched or the person searched (para 27 18)

For giving effect to the revised arrangements proposed above, sections 161 & 162 Cr P.C. may be amended on the lines recommended in the Report (para 27 19)

Section 172 Cr P C. relating to the case diary may be amended on the lines indicated in the Report (para 27 20)

Section 100 Cr P.C. may be amended to facilitate the admission of search list as a piece

of evidence without having to call search witnesses to depose in court, and further to facilitate public servants to function as search witnesses in certain situations (para 27.21)

Section 102 Cr P.C may be amended to give greater discretion to the police for releasing seized property (para 27 22)

The police may be required through departmental instructions to initiate appropriate steps immediately after the disposal of a case for the prompt return to the case property to the person entitled to get it (para 27 23)

A new section—50A—may be added to Chapter V of Cr P.C requiring the police to give intimation about the arrest of a person to anyone who may be reasonably named by him for sending such intimation, to avoid agonising suspense for the members of his family about his whereabouts. (para 27.25)

It is most important for improving police image that the senior officers and the supervisory ranks in the police deem it their special responsibility to put down the practice of third degree methods at the operational level in police stations and elsewhere. Some remedial measures are indicated below:

(*i*) Surprise visits to police stations and similar units by the senior officers would help the immediate detection of persons held in unauthorised custody and subjected to ill-treatment. Malpractices, if any, noticed during such visits should be met by swift and deterrent punishment

(*ii*) A Magistrate or Judge before whom an arrested person is produced by the police for remand to custody should be required by administrative rules of criminal practice to question the arrested person specifically if he has any complaint of ill-treatment by the police, and if he has any complaint the Magistrate or Judge should get him medically examined and take appropriate further action.

(*iii*) In Chapter X of our First Report, we have already recommended a scheme for mandatory judicial inquiries into complaints of death or grievous hurt caused while in police custody. Such an arrangement would itself act as an effective check against the continuance of third degree methods in police work.

(*iv*) Supervisory ranks, including the senior levels of command in the police and the Government, should strictly eschew a purely statistical approach while evaluating police performance Any administrative review of a kind which is, likely to induce the subordinate ranks to adopt ad hoc and short-cut methods to show results should be avoided Adequate emphasis should be laid on the honesty and cleanliness of investigations and the adoption of proper methods while handling all the connected work.

(*v*) Training institutions should pay special attention to the development of interrogation techniques and imparting effective instructions to trainees in this regard (para 27 26)

We are convinced that if the average police officer is assured of adequate time and facility for patiently examining an accused person and pursuing the examination from point to point through a process of simultaneous verification of facts mentioned by the accused, it would facilitate a proper examination of the accused person without resort to questionable methods involving pressure tactics This would become possible if the police can secure the remand of an arrested person to police custody for a few days under orders from a Magistrate When the accused remains in police custody under specific orders from a Magistrate, the scope for using third degree methods while interrogating him in such custody would get greatly reduced since he would be liable for production before Magistrate on expiry of the brief custody In the light of the present phraseology of section 167 Cr P C some conventions and practices have developed in several States for the Magistrates not to grant police custody unless the Investigating Officer pleads that the accused has already made a confession and his continued custody with the police is necessary to take

him from place to place and recover property. This peculiar requirement of convention and practice drives police officers to make false statements before the Magistrate while in fact the accused would not have made any such confession and they would merely be requiring to verify several facts mentioned by him and continue with his examination Existing sub-sections (3) and (4) of section 167 which imply the remand to police custody should be exceptional may, therefore, be deleted and a new sub-section (3) may be added to facilitate remand to police custody in the interest of investigation whenever required (para 27.27)

Section 167 Cr P C. may be amended on the lines suggested in the Report to facilitate remand by Executive Magistrate in certain specified situations (para 27 28)

Section 2 Cr P C may be amended on the lines indicated in the report to facilitate the establishment of special police stations to deal with particular cases or classes of cases (para 27 32)

Sections 26 and 27 of the Evidence Act may be deleted and section 25 of the same Act may be substituted by a new section as recommended in the Report to facilitate the proof of a confession recorded by any person in authority (including the police) in the course of any judicial proceedings, against a person making the confession, not to be used as an evidence against him but to be taken into consideration by the court to aid it in an inquiry or trial in the manner provided in section 30 of the same Act and section 172 Cr P C (para 27 33)

The comprehensive amendments in procedural law and Evidence Act as proposed above would not by themselves bring about noticeable improvement in the quality of investigations unless the supervisory ranks in the police hierarchy pay adequate attention to the detailed supervision over the progress of individual investigations The quality and quantum of supervisory work done in regard to crime investigations as distinct from mere ad hoc maintenance of public order from day to day on a 'somehow' basis should be carefully assessed for each supervisory rank and taken due note of for his career advancement (para 27.35)

COURT TRIAL

The disposal of cases in courts has not kept pace with the institution of fresh cases for trial year after year with the result that the entire judicial machinery has got clogged up and the protracted disposal of cases has diluted the desired deterrence on the criminal elements in society (para 28 1)

Protracted proceedings in courts followed by acquittal in heinous crimes tend to generate a feeling of confidence among the hardened criminals that they can continue to commit crimes with impugnity and ultimately get away with it all at the end of leisurely and long drawn legal battles in courts which they can allow their defence counsel to take care of Such a situation is hardly assuring to the law abiding citizens and needs to be immediately corrected by appropriate measures even if they should appear drastic and radical (para 28 3)

The Law Commission in its Seventy-Seventh Report (November, 1978) has dealt with the problem of delays in court trials and made some recommendations to improve matters These recommendations relate mostly to administrative measures including supervision and inspection by the judicial hierarchy. Some changes in law have also been suggested but they appear peripheral. The entire philosophy and procedural conduct that attend the present working of the legal system, particularly in regard to court trials, would need a detailed examination for revamping the system to make it conform to the expectations of the common people to secure speedy and inexpensive justice which would appear meaningful and effective in their daily lives. There is obvious scope and need for cutting down a lot of rituals and imparting a sense of commitment and urgency to the participants in judicial proceedings to secure the ultimate objective of rendering justice to society as well

as to the individuals concerned We, as a Police Commission, are aware of some requirements of reform viewed from the angle of Investigating Officers and the prosecuting agency, but the sweep of reforms in the legal system has to be much wider and cover several other areas in which the lawyers and Judges have a prominent role to play. It is beyond our present scope and competence as a Police Commission to go into the wider aspects of legal reform but we would urge and recommend that an appropriate body might be asked by the Government to go into this matter. We would further urge that functionaries from the police and Correctional Services might be associated with the deliberations of this body to ensure a comprehensive look at the entire scheme of things and identify the requirements of reform. (para 28 4)

While the reforms that may emerge from the deliberations of a body as suggested above might meet the long term requirements of the current situation of judicial stagnation, we feel there is ample scope for some immediate changes in law which might relieve the present stagnation and help the judicial machinery to start rolling smoothly for the dispensation of justice. The reforms we have in mind are intended to—

(*i*) reduce the institution of fresh cases in courts year after year;
(*ii*) withdraw old cases from courts according to some accepted norms; and
(*iii*) expedite the disposal of pending cases by simplifying the procedures (para 28.5)

The institution of Gram Nyayalayas as proposed in Chapter XVI of our Second Report would be a positive step for reducing the input of fresh cases for trial in regular courts. (para 28 6)

The adoption of a 'ticketing system' for on-the-spot disposal of traffic offences would also help in reducing the input of an appreciable volume of cases for trial in courts (para 28 7)

Section 173 Cr P.C may be amended to facilitate the compounding of certain types o cases even at the stage of investigation. (para 28.8)

The decision to launch prosecution should be based on a proper assessment of the evidence available and, generally speaking, prosecutions should not be launched unless the evidence warrants a reasonable expectation of conviction (para 28 9)

There should be a periodic review at the district level of every police case pending in court for more than one year from the date of filing charge-sheet and a decision should be taken whether it would be in public interest or in the interest of justice to pursue the prosecution or whether the case may be withdrawn. Some possible criteria for deciding this matter are furnished in the Report. (para 28 10)

There is need for establishing some norms for the disposal of criminal cases by Magistrate and Sessions Judges and increasing the number of courts accordingly. A committee with member drawn from the judiciary and the prosecuting staff may be set up by the High Court in each State for evolving these norms, having regard to local conditions. (para 28 12)

The progress of court trials gets blocked by a variety of reasons, some of which are correctible by administrative measures and some are relatable to the general attitude and approach shown by the prosecuting staff, defence counsel and the presiding Magistrate/Judge We have known of badly delayed trials arising from causes like non-appearance of witnesses, lack of preparedness of the prosecuting or defence counsel to get on with the day's work in court, frequent adjournments granted on the slightest move for adjournment, prolonged cross-examination without regard to its relevance or need, taking unduly long time for perusing records or otherwise getting prepared for the case at different stages of trial, etc We feel that several of these causes may be eliminated, if the presiding Magistrate/Judge adopts a positive approach to the daily proceedings in every case and adequately uses his powers under the Criminal Procedure Code and section 165 of the Indian Evidence Act for expeditious disposal of the case. There is need for evolving a

scheme of inspections at the level of High Court as well as Sessions Courts to ensure the business-like functioning of the subordinate courts (para 28 13)

A whole time functionary of the rank of a senior District and Sessions Judge who is qualified for appointment as High Court Judge may be attached to each High Court to inspect the district courts periodically A similar functionary of the rank of Additional Sessions Judge may be entrusted with inspections at the district level (para 28 13)

The inspecting arrangement proposed above should also ensure the availability of adequate staying facilities for the witnesses and others who participate in court proceedings The dissatisfaction of the public with the woeful lack of such facilities in court gets reflected in their hostile and critical attitude to the police whom they view as their first point of contact with the criminal justice system and whom they are in a position to criticise more freely and sharply than they can in regard to matters inside the court hall which, in their view, are protected by the legal rituals and formalities which pass off as part of the majesty of law (para 28 14)

The allowances payable to witnesses for their attendance in court should be fixed on a realistic basis and their payment should be effected through a simple procedure which would avoid delay and inconvenience (para 28 15)

There is obvious scope for appointing a larger number of Special Magistrates under sections 13 and 18 Cr P C, specially for dealing with cases under local and special laws (para 28 16)

It would make for a much quicker disposal of several cases if the summary trial procedure is made mandatory for the offences specified in section 260 Cr P C, and for this purpose we recommend that the words "may, if he thinks fit," appearing in the aforesaid section be substituted by the word 'shall' (para 28 17)

All First Class Magistrates, Special Judicial Magistrates and Special Metropolitan Magistrates may be empowered to act under the above mentioned section, without necessarily having to be specially empowered by the High Court, as prescribed now. (para 28 18)

It has been brought to our notice that in the system of reviewing the work done by Magistrates, the disposal of cases under the summary trial procedure is not given credit by the High Courts in certain States. We would recommend appropriate value being given to the volume of work handled under section 260 Cr P C. also while assessing the performance of a Magistrate. (para 28 19)

State Governments may avail the provisions of Section 206 Cr P C. as recently amended and notify all the Magistrates including Special Magistrates and Special Metropolitan Magistrate as empowered under this section The maximum amount of fine that can be imposed under this section may be increased to Rs 500 from the existing Rs 100 (para 28 20)

Section 294 Cr P.C requires the prosecution or the accused to admit or deny the genuineness of documents as and when they are filed in court The same principle may be incorporated in a separate section in Chapter XIX of Cr P C to enable the court to ask the accused before framing the charge as provided in section 240 Cr P C whether the accused accepts any part of the prosecution evidence as furnished in the documents supplied under section 207 Cr P.C. (para 28 21)

Sections 291, 293 and 296 Cr P C may be amended on the lines indicated in the Report to facilitate easy proof of evidence of medical officers and other experts (para 28 23)

Section 256 Cr P.C may be amended to make it inapplicable to cases in which a public servant figures as the complainant in his capacity as public servant (para 28 24)

Section 321 Cr P C relating to withdrawal of cases from Courts and Section 397 Cr. P.C. may be amended on the lines indicated in the Report to provide for the following :

(i) Having regard to the fact that the withdrawal of a case may have to be decided sometimes with reference to the appreciation of a local public order situation by

the executive authority, it would be necessary to retain the power of the Government to initiate action for the withdrawal of a case The Public Prosecutor should be empowered in law to act under directions from the Government for this purpose.

(*ii*) The application for withdrawal should mention in detail the reasons for the proposed withdrawal.

(*iii*) The court should be satisfied that the withdrawal would be in the interests of public order or justice.

(*iv*) The court's order should incorporate the reasons for according the permission for withdrawal

(*v*) Any members of the public should have the facility to go in appeal against an order passed by the court permitting withdrawal of the prosecution in any specific case. (paras 28.29, 28 30 and 28 31)

Important cases, *i e*, cases triable by a Court of Session, which are withdrawn during a year in accordance with the principles detailed above, shall be mentioned in the Annual Report on the performance of the State Police presented to the Legislature by the State Security Commission as suggested in paragraph 15 48 of our Second Report. (para 28 32)

The National Institute of Social Defence under the Ministry of Social Welfare at the Centre may take appropriate steps to evolve norms of workload for Probation Officers They may also consider evolving a suitable model of career structure for the personnel in the probationary services which would help them rise to higher levels of responsibilities including appropriate positions in the administration of jails and other correctional homes. It should be possible to evolve a unified career structure to cover all such institutions within each State (para 28 34)

Section 13 of the Probation of Offenders Act enables even a private individual or a representative of a privately organised society to function as Probation Officer It is seen that very few States have involved private agencies in this work State Governments' attention may be drawn to this aspect of the matter and they may be advised to involve volunteer social welfare agencies in a much greater measure in implementing the Act. (para 28 35)

A procedure may be prescribed for the investigating police officer to collect some information and data relevant to probation work even at the stage of investigation of any specific case, and refer to them in appropriate columns in the charge-sheet prescribed under section 173 Cr P C The actual headings of these columns may be determined in consultation with experts in the field of correctional services Availability of this information in the charge-sheet itself would help the court to apply its mind to this aspect of the matter at a later stage during trial (para 28 36)

The Children Act provides for even private institutions to function as Children's Home, Observation Home, Special Schools and After-care Organisation, but the involvement of volunteer social welfare agencies in fulfilling this prupose appears insignificant now. The attention of State Governments may be drawn to this matter for appropriate corrective action. (para 28.38)

Juvenile Crime Squads may be established in urban areas to handle investigational work in a much more substantial manner than at present so that the police officers working in these squads may function after proper orientation and briefing and deal with all crimes involving juveniles Crimes in which juveniles figures along with adult criminals may have to be dealt with by the regular police in the normal course, but even in their cases the Juvenile Crime Squad may keep itself informed of the background and circumstances in which the juvenile criminal came to be involved in the case (para 28 39)

An adult who is proved to have organised a gang of juvenile criminals or otherwise abetted the commission of crime by a juvenile should be held punishable under a separate section to be added to Chapter V of the Indian Penal Code which should provide for a more severe punishment than that stipulated for the main crime by the juvenile The new

section may also provide for the mandatory award of a minimum punishment, except for special reasons to be recorded by the Court (para 28 40)

While the Advocates Act clearly specifies the role and responsibility of a lawyer towards his client, there does not appear appropriate emphasis on the lawyer's role for the overall dispensation of justice to society A lawyer's responsibility towards his client has to be discharged within the framework of the overall requirement of justice to society Any lawyer who deliberately adopts dilatory tactics to prolong the proceedings in court is doing something against the interest of quick dispensation of justice to society Similarly the conduct of any lawyer in becoming a party to the initiation of vexatious or malicious prosecution has to be viewed blameworthy from the point of view of justice to society (para 28 41)

The Bar Council of India may get this aspect examined and evolve some norms for determining a lawyers' conduct towards achieving the ultimate objective of the criminal justice system, namely, the quick dispensation of justice not only to individuals but also to the society at large It may even be desirable to amend the Advocates Act to specify the lawyers' role more pointedly for this purpose (para 28 41)

In paragraph 14 14 of our Second Report we have already recommended the constitution of a Criminal Justice Commission at the Centre supported by a similar arrangement at the State level for monitoring and evaluating the performance of the criminal justice system as a whole The arrangements for regular inspections of courts and the satisfactory functioning of the Correctional Services *vis-a-vis* the Probation of Offenders Act and the Children Act in particular could be appropriately overseen by the proposed Criminal Justice Commission (para 28 42)

PROSECUTING AGENCY

The post of Assistant Public Prosecutors, Additional Public Prosecutors and Public Prosecutors should be so designed as to provide a regular career structure for the incumbents for the entire State as one unit (para 29 6)

The Public Prosecutor in a district should be made responsible for the efficient functioning of the subordinate prosecuting staff in the district and he should have the necessary supervisory control over them for this purpose He should also be provided with appropriate office accommodation, library and a small ministerial staff to perform this supervisory role effectively (para 29 7)

The Public Prosecutor and the subordinate prosecuting staff should be made responsible not only for conducting prosecution in courts but also for giving legal advice to police in any matter, general or special, arising from investigation and trials For the latter purpose, the role of the prosecuting staff will be that of a Legal Adviser This role may be emphasised in departmental instructions governing the working of the prosecuting staff If considered necessary from the legal point of view, a suitable section may also be incorporated in the Cr P C to specify this role (para 29 8)

A supervisory structure over the district prosecuting staff should be developed with Deputy Directors of Prosecution at the regional level and a Director of Prosecution at the State level While we consider it necessary to mesh the prosecuting agency set up with the police set-up to ensure active co-operation and coordinated functioning in the field in day-to-day work, we also consider it important that the assessment of evidence collected during investigation and the handling of prosecution work at the district level should be as much detached and objective as possible and free from local departmental or other pressures which might arise from a variety of considerations. The meshing of the two hierarchies may be effected from the regional level upwards, with the Deputy Director of Prosecution placed under the administrative purview of the Range Deputy Inspector General of Police, and the Director of Prosecution at the State Level functioning under the administrative control of the Inspector General of Police In fact, the Director of Prosecution should

function as the head of the legal wing of the State police set up. Such an arrangement is absolutely necessary to bring about close coordination and cooperation between the prosecuting staff and the investigating staff down the line and also enable a joint monitoring and evaluation of their performance from time to time. The arrangement as envisaged above would also ensure professional accountability at all levels (para 29.9)

To bring about an additional measure of objectivity and detachment in the functioning of the legal wing, it may be laid down that the post of Director of Prosecution shall be filled on deputation basis for a specified term by drawing officers of appropriate rank on deputation from the law department or the State judiciary. There can be an additional post at the State level called the Additional Director of Prosecution which will be the highest career post available for the regular prosecuting cadres to reach by promotion. (para 29.10)

The posts of Assistant Public Prosecutor may be categorised under two grades, I and II. In the initial few years of the new scheme direct recruitment may have to be made at the levels of Assistant Public Prosecutor Grade II and Deputy Director of Prosecution After the recruits gain experience in handling different types of prosecution and other legal work, direct recruitment may ultimately be confined to the level of Assistant Public Prosecutor Grade II, and thereafter postings will be by promotion to the ranks of Assistant Public Prosecutor Grade I, Public Prosecutor (including Additional Public Prosecutor), Deputy Director of Prosecution and Additional Director of Prosecution (para 29.11)

The minimum qualification and experience for recruitment to different categories of prosecuting staff and their pay scales and service conditions may be on the lines recommended in the Report (para 29.12-13).

There would be need for a whole time functionary of the rank of Assistant Public Prosecutor Grade I free from prosecution work in courts to function as the Legal Adviser to the Superintendent of Police in each district for giving him legal advice in specific cases as also other general matters relating to criminal work in the district from time to time. The Deputy Director of Prosecution at the regional level and the Additional Director of Prosecution and the Director of Prosecution at the State level shall perform a similar role to aid and advise the Deputy Inspector General of Police and Inspector General of Police respectively (para 29.16)

Section 25 Cr.P C may be amended to enable the placement of the prosecuting cadres under the administrative purview of the Chief of Police. (para 29 17)

INDUSTRIAL DISPUTES

In a socialist democracy there has to be a proper balancing of the interests of labour, owners of industry and the consumer so that there can be quick economic growth accompanied by an even flow of benefits of such growth to all the three parties It has, however, happened that the industrial development in the country has witnessed increasing number of conflict situations between the management and the labour, each tending to take a rigid stand to promote the interests of one to the exclusion of the other, instead of consensus situations which would promote the interests of both as well as the community at large. (para 30 1)

The Industrial Disputes Act provides a several agencies like Works Committees, Conciliation Officers, Boards of Conciliation, Courts of Inquiry, Labour Courts and Tribunals to resolve a variety of industrial disputes. But in the perception of the labour, the formal and legal exercises before such bodies are viewed as time consuming and cumbersome where the management is at an advantage with assistance and advice from legal experts and can also afford a prolonged legal battle without any financial difficulty This circumstance makes the labour feel that they have a better alternative to secure their objective quickly by coercive and pressure tactics in the form of strikes or other demonstrations and agitations supported by their muscle power. The multiplicity of trade unions also induces minority groups to adopt militant postures to secure bargaining powers which may not be

available to them on the strength of their mere numbers Industrial disputes have, therefore, increasingly tended to become focal points for trial of strength between the labour and management and also between the labour unions When an industrial dispute crosses the limits of democratic and accepted legal forms and gets into areas of violence and breaches of public order, it immediately attracts police attention under the law, and the police are required to respond to the situation for effective maintemance of law and order. (para 30 2)

Police response in an industrial dispute situation has to be very carefully determined and then put into operation in a manner which would command the confidence and trust of both parties to the dispute While evolving norms for determining this response it has to be remembered that the ultimate objective of all the conciliation exercises envisaged in various labour laws is to promote industrial harmony This harmony cannot be satisfactorily brought about by any action which makes one party feel that the other party has contrived to gain an undue advantage by adopting militant postures and resorting to coercive and pressure tactics Maintenance of order accompanied by quick and effective prevention of crime, particularly crimes involving violence, in a conflict situation is very necessary for removing the elements of coercion and pressure from the conflict atmosphere By the removal of such factors the ground would get cleared for the parties concerned to discuss the issue involved in a calm and free atmosphere where concern and consideration would replace anger and distrust Police role and responsibility for maintaining law and order in labour dispute situations should be largely guided by the above objective to bring the agitated contending parties to normal levels of thinking in which they would be able to evolve a constructive approach for settlement of their disputes to mutual satisfaction (para 30 3)

A fundamental requirement for proper planning of police action in any industrial dispute situation is the availability of a variety of basic data at the district level relating to all industrial establishments in the district Responsibility for compiling these basic data and information should be taken on by a special cell of the Intelligence wing at the district level under the Superintendent of Police A similar cell in the Intelligence branch of the CID at State headquarters should cover major industrial establishments which may give rise to industrial disputes having ramifications over more than one district Industrial establishments in the public sector, both Central and State, should also be covered by these cells for this purpose The most important point in the working of these cells would be the constant updating of the information collected from time to time and their dissemination to the various operative units at the sub-division, circle and police station level at regular intervals (para 30 4)

Besides collecting the basic data and information as detailed above, these cells should also collect intelligence about matters that arise in the day-to-day working of the establishments which generate friction between the labour and management Timely knowledge of such matters would help the police to anticipate crisis situations and be adequately prepared to deal with them It is, however, important to note that collection of intelligence on such matters is not meant to secure police intervention as such in these disputes unless there is a distinct public order angle Intelligence gathered in such matters from time to time should be passed on to the appropriate labour authorities to enable their timely intervention for sorting out the problems within the framework of various labour laws before they explode into violent confrontations (para 30 5)

When a specific labour dispute arises and tension begins to build up it would be necessary to augment the above-mentioned intelligence cells with special teams at the local level for collecting intelligence in depth about the likely agitationist plans of the organisers (para 30 6)

Police presence at gate meetings should be for the purpose of keeping themselves informed of the trends of ideas expressed and the measure of support extended by workers, and to prevent the commission of any cognisable offence on the spot (para 30 7)

When specific crimes are committed in the course of gate meetings or collection of subscriptions the normal processes under the law should be set in motion immediately and the offenders should be brought to book Police should take care that their action in such specific case does not draw the criticism that they are soft towards one union and harsh towards another. A high degree of impartiality and objectivity should attend police action in all such cases (para 30 9)

While a situation within the precincts of a factory might be deemed to be directly connected with legitimate trade union activity and would, therefore, require to be treated on a special footing as far as police response is concerned, maintenance of order and a feeling of security among the residents in workers' colonies or the residences of individual members of the management should be treated as a public order problem as in any other locality and appropriate police action taken to deal with mischief makers (para 30.10)

While it is important to ensure the security of sensitive and vital installations within the establishment damage to which might eventually mean a big public loss, it is equally important to avoid unnecessary police presence in those areas of the establishment which are not sensitive from this angle, because it might give the impression of undue police proximity to the seat of management in the establishment. Posting of police personnel for providing security to specified installations in an industrial establishment in a strike situation should, therefore, be carefully determined by the police themselevs on the basis of their own intelligence and appreciation of public interest. (para 30.11)

Police are duty-bound to give protection to any worker who expresses the desire to work durineg a strike situation and seek protection to do so Police action in this regard should, however, be related to the desire expressed by the worker himself and not to his reported willingness as communicated to the police by the management (para 30 12)

While it is recognised that any person, whether a new recruit or old worker, has the right to seek opportunity for doing work of his choice, any action taken by the police to give protection to new recruits for exercising this right in a strike situation might operationally amount to undue police interference in favour of the management to break the strike. It is, therefore, held that when the management try to bring in new recruits, police action should not be in the nature of giving them individual protection to enter the factory but should be confined to action under the law if and when specific offences get committed in the confrontation that might ensue between the striking workers and the new recruits. (para 30 13)

The management may sometimes attempt to remove finished or unfinished goods from the factory premises in a strike situation and this may be resisted by the striking workers Police action in such a situation should ensure adequate protection for the removal of goods, provided one or the other of the following grounds is satisfied·

(*a*) The finished goods are required to be exported to fulfil contractual obligations and to keep up the export earnings of the industry and the country

(*b*) The goods sought to be removed are essential either by themselves or as inputs for the defence needs of the country.

(*c*) The goods are of a perishable nature and unless they are taken out and disposed of they would be damaged, causing considerable loss to the industry.

(*d*) If some goods which are essential inputs for other industries are not removed from the factory and are not made available to other units, then those establishments would also cease to function and thus create problems for the workers of such establishments (para 30 14)

If, however, under the cover of removal of goods, the management attempt to remove substantial parts of the machinery or other equipment in order to revive their activity elsewhere, it would be beyond the norms mentioned above and, therefore, police action in such a situation should not be in the nature of preventive or protective action but should

be rela'ed to specific offences, if and when they occur in the course of removal of such machinery or other equipment and the obstruction thereto by the striking workers (para 30 15)

Sometimes workers indulge in wild-cat strikes and peremptorily lay down tools while actually working during a shift inside the factory. While their continued presence within the factory premises during their shift period may not by itself provide ground for police action in the strike situation the refusal of such workers to leave the factory premises even after their shift period is over should be deemed as criminal trespass and they should be dealt with by the police accordingly under the law. (para 30 16)

Several cognizable offences like wrongful restraint, wrongful confinement, etc , are committed in the course of a gherao and, therefore, a gherao should be deemed a cognizable crime (para 30 18)

Police action in respect of gheraos or sit-in-strikes would consist of the following two parts

(i) Registering a First Information Report in respect of the cognizable crimes committed and documenting the investigation thereon
(ii) Lifting the gherao by the physical removal of persons doing the gherao or eviction of the sit-in strikers as the case may be

The first part would present no difficulty, but the second part would require careful operation in the field In exercise of their powers under section 149 Cr P.C for preventing the commission of any cognizable offence, the police may physically remove the persons doing the gherao They may even arrest the persons who have committed specific offences in the gherao situation and remove them for production before a Magistrate In some cases, when faced with violent defiance, it may even become necessary for the police to declare the gathering of persons doing the gherao as unlawful and proceed to disperse them as members of an unlawful assembly Before embarking on the operation of removal, arrest or dispersal of unlawful assembly as might be warranted by the situation, the police should, subject to the exigencies on the spot, satisfy themselves that all other processes of persuasion, appeal and conciliatory measures have been tried and exhausted (para 30 19)

Specific cognizable crimes committed in the course of an industrial dispute may later get prosecuted in court on conclusion of investigation by police It has become a practice with the administrators to withdraw such cases from court after the industrial dispute is settled In fact, in many instances the very agreement to withdraw cases would form part of the settlement In paragraph 28 29 of this Report, a revised arrangement in law has been recommended for the withdrawal of a criminal case to be sought only on grounds of justice or public interest and not on a mere executive desire for compromise in any particular case The revised procedure would help to ensure that criminal cases arising from industrial disputes are not light-heartedly withdrawn from court on extraneous considerations There is urgent need to stop the growing feeling among the agitating sections of the public that they can commit crimes with impunity and later get away without any punishment by seeking executive interference on their behalf (para 30 20)

It is important that police officers, particularly the senior officers at the commanding levels avoid doing anything which may give the impression to the labour that the officers are unduly oblige to the management on account of facilities like transport, guest house and other entertainment freely provided by the management and readily accepted and enjoyed by the officers (para 30 21)

When the maintenance of an essential service like communications, transport or supply of electricity/water is threatened by an impending strike by the workers concerned, Government usually resorts to a special law or ordinance for totally prohibiting a strike in the service concerned When once the strike in a service gets totally prohibited under the law, the police role and responsibility for dealing with the strikers will have to conform to

special norms different from what is applicable to a normal industrial dispute. Police action while dealing with strikers in an essential service in which strikes are totally banned would include—

(*i*) preventive action against organisers of the strike,
(*ii*) prompt registration of cases arising from cognizable crimes and the arrest of the offenders concerned,
(*iii*) giving protection to loyal workers, and
(*iv*) giving protection to fresh recruits or the personnel drawn from other units like the territorial army, home guards, etc , for the performance of essential jobs.

The primary objective before the police in such situations should be to keep the essential services going and they should not hesitate to take whatever action is permissible under the law to secure this objective (para 30 22)

The norms for determining police response in an industrial dispute situation should be the same whether it relates to the public sector or private sector. (para 30.23)

The Central Industrial Security Force (CISF) has a statutory role and responsibility for the security of the machinery and other equipment and property in certain public sector undertakings which are covered by this force In a labour dispute situation in such a public undertaking the police may, in the normal course, be able to take the assistance of the CISF personnel to provide guards for the sensitive vital installations in the establishment. Where, however, the personnel of the CISF themselves become a party to a strike situation or are likely to be wantonly negligent or indifferent in the performance of their duties because of their sympathy with the other striking workers, the police will have an additional responsibility to provide security to the sensitive and vital installations of the establishment The nature and extent of security cover to be provided by the police in replacement of the CISF should be decided sufficiently in advance by mutual consultations between the police and the management of the undertaking, also taking into account the intelligence gathered by the police themselves regarding the attitude and involvement of the CISF in this regard. (para 30 24)

While laying down norms for police response in industrial dispute situations, it has to be remembered that the formation and functioning of Policemen's Association in the recent years are likely to influence and condition the attitude of police personnel towards striking workers A general feeling of sympathy might be generated among the policemen towards the striking workers and a feeling might get induced that nothing should be done to weaken the power of strike as weapon for collective bargaining To secure uniformity and effectiveness of police approach to the problem of handling labour dispute situations, it would be necessary for the senior officers at commanding levels to appraise the police personnel individually and also collectively through their Associations wherever they exist about the norms as suggested in this Report and ensure their understanding by the police system as a whole for maintaining their position and prestige as a law enforcement agency. Any attempt made to involve the police personnel in an *ad hoc* disposal of a labour dispute situation in an illegal or irregular manner without conforming to accepted norms is likely to complicate matters and weaken the command structure of the police (para 30.25)

AGRARIAN PROBLEMS

Agrarian problems have increasingly tended to draw police attention from the angle of maintenance of public order, particularly from the sixties Persistence of serious social and economic inequities in the rural areas has frequently generated tensions between different classes and posed problems for the police. (para 31.1)

In the actual implementation of land reform legislation several loopholes were taken advantage of by vested interests to perpetuate the existing inequities The land owing

community retained large tracts of land under their effective control under the guise of resuming land for self cultivation which was permissible in law. The law of ceiling on land holdings by individuals was effectively circumvented by the partitioning of landed property among members of the same family and dependent relatives with the result that no land emerged as surplus for disposal outside the family domain. According to the Twentysixth Round of National Sample Survey (July, 1971-September, 1972), 54.91% of households in the country owned land of area less than 1 acre per household, and the total area owned by them constituted 2 21% of the total area of holdings in the country, while 4 38% of households held area of more than 15 acres each and the total area held by them amounted to 39 43% of the total area of holdings in the country. (para 31 4)

The land reform measures so far spelt out and implemented have not had the desired impact for the removal of inequalities and injustice on the agrarian front This is mainly because those administering the reforms had no interest in doing so and were very much in favour of maintaining the *status quo* The reforms were only lip-service to an ideology which had to be professed for political purposes. (para 31 4)

The Scheduled Castes do not form a resident majority group in any part of the country but live interspersed with other sections of the population. They constitute more than 20% of the population in 666 talukas. On the other hand, the Scheduled Tribes live as majority groups in 329 talukas While a large number of Scheduled Castes earn their livelihood by working as agricultural labourers, the Scheduled Tribes are by and large a self cultivating class Agrarian problems of the Scheduled Castes are related to insecurity of employment, low wages and grossly unjust treatment at the hands of the land owing community in a variety of ways. The problems of the Scheduled Tribes arise from the intrusion and exploitation by non-tribals for expropriating lands from the possession of tribals, and the economic hold over the tribals by non-tribal money-lenders and the like (para 31 5)

The proportion of agricultural workers from Scheduled Castes and Scheduled Tribes varies from State to State Scheduled Caste workers preponderate in Punjab, Rajastham Tamil Nadu, Uttar Pradesh and West Bengal Animosities and tensions arising from the inter-play of caste prejudices have also tended to foul the relationship between land-owners and the agricultural labourers owing to the latter's caste composition as indicated above (para 31 6)

The economic distress of the landless agricultural labourer is further accentuated by the growing pressure on land in rural areas owing to rise in population without a corresponding increase in the area available for cultivation. Compared to the position in 1951, the population in 1976 had increased by 61 3% while the net area of land sown increased by 19 8% only (para 31 8)

From the All India Debt and Investment survey 1971-72 conducted by the Reserve Bank of India it is seen that the borrowings of an average cultivator/agricultural labourer were very much more from sources like professional money-lender/agriculturist money-lender/trader/land lord than from Government or Co-operative Societies/bank This analysis highlights the economic hold the landlord and other richer sections of the village continue to have on the cultivator and the agricultural labourer (para 31 9)

It has already been recommended by Chapter XIX of the Third Report that the allotment of land to the landless poor, particularly the Scheduled Castes and Scheduled Tribes, should be effected through a separate comprehensive legislation which should have provision for effectively handing over possession of the land to the allottee and for promptly evicting the unauthorised occupants or trespassers who may subsequently try to nullify the allotment order It has also been recommended that the police should collect intelligence about forcible dispossession of the poor from lands allotted to them, and get the matter set right with the help of the revenue authorities concerned This arrangement would help in giving some effectice relief to the landless poor and to that extent reduce agrarian distress and tension However, this by itself may not take us for since there is not sufficient land in

any case to meet the entire requirements of the rural poor with our steeply rising population. There is therefore, side by side with land reforms, urgent need for providing alternative sources of employment in rural areas for the rapidly growing rural population For this purpose measures have to be taken in hand early for bringing about the requisite infrastructure of communications, power and water in the rural areas. The danger of fragmentation of holdings as a result of the operation of the inheritance laws of the country, should also not be lost sight of. (para 31.12)

Under the Industrial Dispute Act, several agencies like Conciliation Officer, Board of Conciliation and Tribunal exist for adjudicating disputes between the labour and management in an industrial establishment. But there is no special agency in a district to adjudicate on a matter arising from agrarian disputes. It is usually dealt with in the normal course by the revenue authorities. It would make for speedier settlement of such disputes if the District Civil Rights Cell recommended in paragraph 19.14 of the Third Report could be given some staff support to perform this role It would also help the police to secure relevant information through this Cell, while dealing with criminal cases arising from such disputes. (para 31.13)

The existing arrangements in States for the maintenance of the basic record of rights in villages or groups of villages may be checked and revised to ensure their factual accuracy, besides making them proof against malafide manipulation and interpolation. (para 31.14)

When disputes arise and tensions build up between two groups of the land owing community in a village regarding ownership or right of use of any land or irrigation facility, police should not hesitate to take effective preventive action against the leaders on both sides by resorting to section 107 Cr.P.C and also making preventive arrests where called for (para 31 14)

Recent years have witnessed another type of agitation on the agrarian front in which farmers organise themselves to protest against the Government and called agencies on such issues like charges for power supply for pump sets, grant of loans and subsidies, writing off arrears of loans, etc Since these agitations are primary directed against the Government and do not involve two opposing groups among the public themselves it becomes easier for the organisers to whip up emotions and instigate violence Police should handle this type of agitations as a matter of maintenance of public order and take all permissible steps under the law including preventive arrests to contain the situation in public interest (para 31 16)

A fundamental requirement for planning police action in any public order situation is the timely collection of intelligence on the growing developments Apart from the intelligence wing of the police at the district level, the village police as organised on the lines recommended in Chapter XX of the Third Report should be actively involved in gathering advance intelligence in this matter which would be of great help to the local police in effectively anticipating local situations in time (para 31 17)

The re-organisation and strengthening of rural police calls for immediate attention from the Government in the context of present developments (para 31 19)

SOCIAL LEGISLATION

Social legislation may be broadly classified into two categories for appreciating the problems that arise in the enforcement of the legislation The first category is the permissive type in which the reformative law merely seems to enlarge the freedom of social action and interaction in certain fields and protect the person so acting from any disability that might fall on him but for the law Legislation concerning inter-caste marriages and divorce proceedings is of this type The second category is the proscriptive type which seeks to restrict certain social practices and penalise any conduct that is specifically prohibited in law Laws relating to suttee, child marriage, polygamy, dowry and untouchability are examples of this category. Enforcement of this category of social legislation meets with

resistance from groups which are interested in the continuance of the old practices. (para 32 2)

Any attempt to legislate a social change without a prior value change in society amounts to the use of authority and the coercive power of the State to enforce a new value framework Unless there is a measure of consensus among the generality of people about the desirability of the change that law seeks to achieve, it would result in our seeking a social change in a manner which might simultaneously generate social hatred and hostility Social legislation of this kind, that is the proscriptive types has therefore to be preceded by a measure of debate, discussion and propaganda which would convince the people in general and prepare them to accept the proposed change If legislation goes far in advance of the preparedness of the people for the proposed change, enforcement of such a legislation will lack people's support and therefore will generate a situation of conflict between the people and the enforcement agency (para 32.6)

The police, as the premier law enforcement agency in the country, are frequently involved in the enforcement at a variety of laws aimed at social reforms The normal role of the police as expected by the people is in the field of laws relating to the protection of life and security of property The Indian Penal Code is the basic criminal law of the country for the police to perform this role Public understand this role well and willingly cooperate with the police in individual cases but the position becomes different when the police are involved in the enforcement of a social reform law which the public at large are not yet prepared to accept The timing of enactment of a law of social reform and the degree of involvement of police in its enforcement have to be finely adjusted and regulated so that public support for its enforcement will not be prejudiced Legislation by itself would not be effective for bringing about a change in the social value system and, therefore, the police may not be looked upon as a primary instrument for effecting a social change (para 32 7)

Investigational power and responsibility of the police are now confined to cognizable offence which are specified as such in law In their anxiety to secure effective enforcement of a new social law, social reformers and legislators are inclined to declare all offences under such a law as cognizable and leave the matter there in the belief that strict and severe enforcement thereof by the police would achieve their purpose It is at this stage that there is scope for introducing some refinements in law which would greatly reduce the scope for malpractices when the offences are taken cognizance of by the police Even now there are several cognizable offences in which, after completion of investigation by the people, there are restrictions at the stage of the court taking cognizance of the case for commencing trial All offences under Chapter VI of the Indian Penal Code and offences under Sections 153A, 153B, 188, 295A, 471 and 505 of the same Code are examples of this kind where the court can take cognizance only on a complaint from a specified individual or on sanction from a specified authority. There is scope for extending this concept of conditional cognizability even at the earlier stage when the police register the case and commence their investigation. The conditions can be suitably determined to reduce the scope for harassment and corruption (para 32 11)

Social legislation may be categorised under five groups as indicated in the following paragraphs and the nature and extent of police involvement in the enforcement of each group may be as indicated therein (para 32 12)

First Group

(i) This group would cover laws regulating social institutions like marriage, divorce, adoption, inheritance, etc.

(ii) Police should have no role at all in the enforcement of these laws It should be left to the affected parties to take matters direct to courts and get their disputes resolved through judicial adjudication (para 32 13)

Second Group

(*i*) This would cover laws dealing with some social problems like prevalance of dowry, discrimination against women, begging, vagrancy, etc.

(*ii*) Police should not have any role to play in the enforcement of these laws; excepting some which may have a public order or crime prevention aspect. For example, if there is a law prohibiting begging in specified public places, police should have the powers to enforce the relevant provision, solely from the point of view of maintaining public order at the specified place. Police should not be involved in rounding up individual beggars and marching them to a rehabilitative home or any such institution That job should be left to the Municipal agencies. (para 32.14)

Third Group

(*i*) This group would cover laws aimed at promoting the health of the people in general and in particular, prohibiting the consumption of intoxicating drinks and of drugs which are injurious to health.

(*ii*) Offences under these laws which involve commercially organised activity (for example trafficking in drugs) or disturbance to public order should be made fully cognizable by the police Offences which do not have any such angle but involve individual behaviour and conduct without creating any public order situation may be made cognizable by the police only on a specific complaint from a person alleging annoyance or injury caused to him by such behaviour and conduct, and not on any intelligence gathered by the police themselves. (para 32.15)

Fourth Group

(*i*) This would cover laws aimed at prohibiting or regulating certain pastimes which are likely to operate to the detriment of the earnings of poor families and result in the drain of their meagre financial resources.

(*ii*) Laws which regulate gambling, horse racing, lotteries, cross-word puzzles, etc. fall under this category. Police cognizability of offences under these laws should be limited to those which have a public order aspect. For example, gambling in a public place is likely to promote disorderly behaviour and disturbance to public order and should therefore be made fully cognizable by the police Offences which do not involve this public order aspect may be made cognizable only on a specific complaint from an affected party (para 32 16)

Fifth Group

(*i*) This group would cover laws which are meant for protecting and rehabilitating the handicapped and weaker sections of society, and preventing exploitation of their economic weakness or otherwise distressed situation

(*ii*) Police should be fully involved in the enforcement of these laws, Protection of Civil Rights Act and the Suppression of Immoral Traffic Act are examples of laws under this group Offences under these laws should be made cognizable and the general police should have full powers of enforcing them (para 32 17)

In the investigation of offences which are made conditionally cognizable as recommended above, the police need not have the power of arrest They may, on conclusion of investigation, put the matter before a court if evidence warrants such a course of action, and take from the accused person a bond for his appearance in court when summoned (para 32 18)

Appropriate amendments to several pieces of social legislation would be required to implement the above recommendations regarding conditional cognizability by the police and the restriction on their powers of arrest in certain cases The various social laws may be individually examined from this angle and appropriate amendments evolved by the

Social Welfare Departments of the State Governments in conclusion with the State police agencies (para 32 19)

PROHIBITION

Over 6 lakh prohibition cases have been registered annually in the recent years all over the country and a similar number of persons arrested in such cases every year 25,692 juveniles were arrested under the Prohibition Act in 1977 The arrest of such a large number of persons year after year and their passing through police custody for their involvement in prohibition offences alone would tend to 'criminalise' persons who are not perceived as criminals in the normal sense of the term by the society at large (para 33 9)

Some aspects of the actual field situation and the practical difficulties in the enforcement of prohibition are enumerated below:

1. Illicit distillation is mostly carried on in remote areas or densely populated slums which offer safe hideouts for the distillers Detection of distillation activities in such circumstances becomes extremely difficult, particularly in the absence of public cooperation which seldom comes forth in the cause of prohibition
2. The easy availability of a variety of sources for preparation of illicit liquor encourages illicit distillation and brewing
3. Any amount of severe punishment by way of imprisonment or fine for the prohibition offenders does not seem to deter them since the economics of illicit distillation is in their favour and they find the business of illicit liquor quite profitable, even after making allowances for the temporary immobilization of the personnel concerned by the processes of trial and punishment
4. Illicit liquor trade provides big business and those who organise it from behind the scene exploit the poverty of weaker sections in society and draw them into this business to function as intermediaries for transport and sale of liquor In this process it is these poor people who ultimately get caught by the enforcement agency and subsequently languish in jail Very rarely does one come across prohibition convicts in jails drawn from the rich and business sections of the community It is indeed tragic that the prohibition law which was conceived as a legislation primarily meant to benefit the ill-informed and poorer sections of the community ultimately results in a large number of persons of this very category getting into prison for their involvement in illicit liquor trade
5. Corruption spreads quickly and widely as a result of persistent influence from illicit liquor business on the police force, making it more and more inefficient in dealing with professional bootleggers and big organisers of illicit liquor trade
6. The mounting pendency of prohibition cases in courts has clogged up all property rooms and storage space in police stations and their compounds (para 33 10)

From the standpoint of enforcement the following broad amendments in prohibition law are urgently necessary to eliminate some of the serious evils noticed in the existing scheme of enforcement

(*i*) Cognizable offences under the prohibition law should be limited to those relating to manufacture, transport and sale of liquor

(*ii*) Offences relating to possession of liquor or drinking of liquor or being found in a state of drunkenness should be made non-cognizable They may, however, be taken notice of by the police while they investigate any other accompanying cognizable offence

(*iii*) In regard to the above category of non-cognizable offences police should, however, have the power to seize any illicit liquor or that may be connected with the

non-cognizable offence if it comes to their notice and they may send the seized liquor to court for further disposal.

(*iv*) The procedure for conducting searches under the prohibition law should be separately laid down without drawing a close parallel from the Code of Criminal Procedure.

(*v*) There should be legal provisions to enable the enforcement agency destroy on-the-spot any illicit liquor or any other material connected with its manufacture when the liquor and such material are found in a public place without being claimed by anybody. The destruction may be documented in the presence of witnesses. (para 33.11)

As regards arrangements within the police for detection of prohibition offences, mobile parties may be constituted at the sub-division level to concentrate on the more serious offences of illicit manufacture, transport and sale of liquor which alone would be cognizable in the revised prohibition law. The functioning of these mobile parties can be on the lines indicated by the Tamil Nadu Police Commission (para 33.12)

Unless there is a measure of consensus among the generality of people about the desirability of the change that a law of social reform seeks to achieve, its enforcement would lack people's support and might even generate hostility between the people and the enforcement agency. From the long experience of State like Tamil Nadu, Gujarat and Maharashtra in the enforcement of prohibition it is clear that the prohibition law does not enjoy acceptance and support from the public at large Their cooperation, therefore, is totally lacking for the police to enforce the law In fact, its enforcement brings the police in situations of conflict with substantial sections of the public who do not view drinking liquor as an act to be held criminal and made punishable under the law. In the light of the realities and difficulties in enforcement work as detailed in this Report, it emerges that the prohibition law, as presently enacted with emphasis on total prohibition, is practically non-enforceable The Government may review their prohibition policy in general and the structure of prohibition law in particular and evolve a revised practical measure for dealing with the problem of economic distress among the low income groups of our population, owing to the evil of drinking (para 33.13)

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